



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 221

नई दिल्ली, मई 28—जून 3, 2006, शनिवार/ज्येष्ठ 7—ज्येष्ठ 13, 1928

No. 221

NEW DELHI, MAY 28—JUNE 3, 2006, SATURDAY/JYAISTHA 7—JYAISTHAA 13, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

(भारत के महाराजिस्ट्रार का कार्यालय)

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 2101.—जन्म और मृत्यु रजिस्ट्रीकरण अधिनियम, 1969 (1969 का 18) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा भारत के महाराजिस्ट्रार के कार्यालय में उप महानिदेशक को भारत के महाराजिस्ट्रार के अधीक्षण तथा निदेशक के अधीन इस अधिनियम के अन्तर्गत भारत के महाराजिस्ट्रार के ऐसे कार्यों, जिन्हें वे उन्हें समय-समय पर निर्वहन करने के लिए प्राधिकृत करें, के निर्वहन के प्रयोजनार्थ अपर महाराजिस्ट्रार के रूप में नियुक्त करती है।

[सं. 1/17/2003-प्रशा. III]

देवेन्द्र कुमार सीकरी, महाराजिस्ट्रार एवं जनगणना आयुक्त

MINISTRY OF HOME AFFAIRS
(Office of the Registrar-General of India)

New Delhi, the 13th April, 2006

S.O. 2101.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Registration of Births & Deaths Act, 1969 (18 of 1969), the Central Government

1528GI/06

(4713)

hereby appoints the Deputy Director General in the office of the Registrar-General, India as Additional Registrar-General for the purpose of discharging, under the superintendence and direction of the Registrar-General, India such functions of the Registrar-General, India under this Act as he may time to time, authorize him to discharge.

[No. 1/17/2003-Ad. III]

D. K. SIKRI, Registrar-General and Census Commissioner

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 मार्च, 2006

(आयकर)

का.आ. 2102—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतदद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा “रामकृष्ण सारदा मिशन, दक्षिणश्वर, कोलकाता” (इसके पश्चात् “संस्था”) के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्यधीन कर निर्धारण वर्ष 2005-06 से

2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पद्धति प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पद्धति प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए ;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूँवर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी।
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 80/2006/फा. सं. 197/109/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
CENTRAL BOARD OF DIRECT TAXES
New Delhi, the 22nd March, 2006
(INCOME-TAX)

S.O. 2102.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies that any income received by any person on behalf of “Ramakrishna Sarada Mission, Dakshineswar, Kolkata” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as

assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other recipient or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 80/2006/F. No. 197/109/2005-ITA-I]

DEEPAK GARG, Under Secy.

ई दिल्ली, 12 मई, 2006

(आयकर)

का.आ. 2103-आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23G) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा यह अधिसूचित करती है कि “नव जीवन ट्रस्ट, अहमदाबाद” (इसके पश्चात् “संस्था” कहा गया) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्यधीन कर निर्धारण वर्ष 1998-1999 से 2000-2001 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा

- अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूबवर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्राप्तधारों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अस्तिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्य वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 117/2006/फा. सं. 197/60/98-आयकर नि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 12th May, 2006

(INCOME-TAX)

S.O. 2103—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies that any income received by any person on behalf of "Navajivan Trust, Ahmedabad" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 1998-1999 to 2000-2001, subject to the following conditions namely :—

- the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- this notifications will not apply in relation to any

income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 117/2006/F. No. 197/60/98-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 12 मई, 2006

(आयकर)

का.आ. 2104—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23G) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतदद्वारा यह अधिसूचित करती है कि "श्रीराम कृष्ण सत्यानंद आश्रम, ग्राम जीरकपुर, पो. ऑ. बसिरहत रेलवे स्टेशन, जिला उत्तरी 24 परगाना (उ.) पश्चिम बंगाल" (इसके पश्चात् "संस्था" कहा गया) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्यधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस सामग्रे में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय । अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूबवर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 118/2006/फा. सं. 197/04/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 12th May, 2006

(INCOME-TAX)

S.O. 2104.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies that any income received by any person on behalf of "Sree Ramkrishna Satyananda Ashram, Village Jirakpur, P. O. Basirhat Railway Station, District North 24 Parganas (N), West Bengal" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2004-2005 to 2006-2007, subject to the following conditions namely:—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books

of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other recipient or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 118/2006/F. No. 197/04/2006-ITA-I]

DEEPAK GARG Under Secy.

नई दिल्ली, 16 मई, 2006

(आयकर)

का.आ. 2105.—आयकर अधिनियम, 1961 (1961 का 43)की धारा 10 के खण्ड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतदद्वारा यह अधिसूचित करती है कि "गुरुबाबूरू देवास्वम गुरुबाबूरू" (इसके पश्चात् "संस्था" कहा गया) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्यधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय । अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्य वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की करारधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 121/2006/फा. सं. 197/26/2006—आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th May, 2006

(INCOME-TAX)

S.O. 2105.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies that any income received by any person on behalf of “Guruvayur Devaswom, Guruvayur” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 121/2006/F. No. 197/26/2006-ITA-I]

DEEPAK GARG, Under Secy.

ई दिल्ली, 16 मई, 2006

(आयकर)

का.आ. 2106.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23g) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतदद्वारा यह अधिसूचित करती है कि “जहाँगीर आर्ट गैलरी, मुम्बई” (इसके पश्चात् “संस्था” कहा जाय) की ओर से किसी व्यक्ति के द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्यधीन कर निर्धारण वर्ष 2006-2007 से 2008-2009 तक के लिए ऐसे व्यक्ति की सकल आय में करारधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन का या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (ज्वर-ज्वाहिगत, फर्नीचर आदि के रूप में ग्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्य वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल मन्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की करारधेयता अथवा अन्यथा पर,

आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 122/2006 /फा. सं. 197/29/2006—आयकर नि.-I]
दीपक गर्ग, अवर सचिव

New Delhi, the 16th May, 2006

(INCOME-TAX)

S.O. 2106.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-Tax Act, 1961 (43 of 1961) the Central Government hereby notifies that any income received by any person on behalf of "Jehangir Art Gallery, Mumbai" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2006-2007 to 2008-2009, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 18 मई, 2006

का.आ. 2107.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित तालिका के कॉलम 1 में उल्लिखित अधिकारियों, जो सरकार के राजपत्रित अधिकारियों के समतुल्य अधिकारी हैं, को उक्त अधिनियम के प्रयोजन के लिए सम्पूर्ण अधिकारी के रूप में नियुक्त करती है, जो उक्त तालिका के कॉलम 2 में उल्लिखित सरकारी स्थानों के संबंध में उक्त अधिनियम के द्वारा या इसके तहत प्रदत्त शक्तियों का प्रयोग करेंगे और अधिरोपित कार्यों का निष्पादन करेंगे। इसे 12 जुलाई, 1975 के का.आ.सं. 2180 के तहत भारत के राजपत्र में प्रकाशित वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग की पिछली अधिसूचना का अधिकरण करते हुए जारी किया जाता है।

तालिका

अधिकारियों का पदनाम	सरकारी स्थानों की श्रेणियां और अधिकार क्षेत्र की सीमाएं
(1)	(2)
सहायक महाप्रबंधक (विधि)/मुख्य प्रबंधक (विधि), इलाहाबाद बैंक, प्रधान कार्यालय, 2 नेताजी सुभाष रोड, कोलकाता-700001	पश्चिम बंगाल राज्य में इलाहाबाद बैंक की जमीन या उसके द्वारा या उसकी ओर से पट्टे पर लिया गया या अधिगृहीत स्थान।
आंचलिक प्रमुख, इलाहाबाद बैंक, आंचलिक कार्यालय, वेतनमान/पदनाम कोई भी हो	संबंधित आंचलिक प्रमुखों के प्रशासनिक नियंत्रण के अंतर्गत आने वाले क्षेत्रों में इलाहाबाद बैंक की जमीन या उसके द्वारा या उसकी ओर से पट्टे पर लिया गया या अधिगृहीत स्थान।

[फा.सं. 65/1/2006-बीओ-II]

अशोक कुमार, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th May, 2006

S.O. 2107.—In exercise of the powers conferred by section-3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officers mentioned in Column-1 of the table below, being officers equivalent to the rank of Gazetted Officers of the Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred & perform the duties imposed on the Estate Officers by or under the said Act in respect of the Public Premises specified in the Column-2 of the said table. This is in supersession of previous notification of Ministry of Finance, Department of Economic Affairs, Banking Division published in the Gazette of India under S.O. No. 2180 dated 12th July, 1975.

TABLE

Designation of the Officers	Categories of public premises and local limits of jurisdiction
(1)	(2)
Assistant General Manager (Law)/ Chief Manager (Law), Allahabad Bank, Head Office 2, Netaji Subhas Road, Kolkata-700001. The Zonal Heads Allahabad Bank, Zonal Offices, Irrespective of the Scale/Designation	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Allahabad Bank in the State of West Bengal. Premises belonging to or taken on lease, or requisitioned by or on behalf of the Allahabad Bank in the areas under the administrative control of the respective Zonal Heads.

[F. No. 65/1/2006-BO-II]

ASHOK KUMAR, Under Secy.

नई दिल्ली, 19 मई, 2006

का.आ. 2108.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उप-खण्ड (1) और खण्ड 3 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उस-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री के.आर. कामथ, (जन्म तिथि : 19-11-1955) वर्तमान महाप्रबन्धक, कार्पोरेशन बैंक को उनके पदभार ग्रहण करने की तारीख से, पांच वर्ष की अवधि के लिए और/अथवा अगले आदेश होने तक, जो भी पहले हो, बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/25/2005-बीओ-I]

जी.बी. सिंह, अवर सचिव

New Delhi, the 19th May, 2006

S.O. 2108.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, Sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K.R. Kamath (DOB : 19-11-1955) presently General Manager, Corporation Bank, as a whole-time Director (Designated as the Executive Director) of Bank of India for a period of five years from the date of his taking charge and/or until further orders, whichever is earlier.

[F. No. 9/25/2005-BO-I]

G.B. SINGH, Under Secy.

नई दिल्ली, 23 मई, 2006

का.आ. 2109.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा (2) के खण्ड (ii) के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा नाबार्ड के अध्यक्ष श्री वाई.एस.पी. थोराट को अधिसूचना जारी करने की तारीख से और 30-11-2007 तक अर्थात् जब वे अधिवर्षिता की आयु प्राप्त करेंगे या अगला आदेश होने तक, इनमें से जो भी पहले हो, श्रीमती रंजना कुमार के स्थान पर निक्षेप बीमा और प्रत्यय गारंटी निगम (डीआईसीजीसी) के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 7/12/95-बीओ-I]

जी.बी. सिंह, अवर सचिव

New Delhi, the 23rd May, 2006

S.O. 2109.—In exercise of the powers conferred by clause (d) of Sub-section (1) of Section 6 read with clause (ii) of Sub-section 2 of Section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Y.S.P. Thorat, Chairman, NABARD as a Director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation (DICGC) from the date of notification and up to 30-11-2007 i.e. the date of his superannuation or until further orders whichever is earlier vice Smt. Ranjana Kumar.

[F.No. 7/12/95-BO-I]
G.B. SINGH, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 18 मई, 2006

का.आ. 2110.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 7899 : 2006—दाब सेवा के लिए मिश्रित धातु ढलाइयां—विशिष्टि (तीसरा पुनरीक्षण)	आईएस 7899 : 1992	मार्च 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 14/टी-४]
एस.के. गुप्ता, वैज्ञानिक—‘एफ’ एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 18th May, 2006

S.O. 2110.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and Year of Indian Standards, if any, Superseded by New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 7899 : 2006—Alloy Steel Castings suitable for pressure service—Specification (Third Revision)	IS 7899 : 1992	March 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. : MTD 14/T-8]
S.K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 18 मई, 2006

का.आ. 2111.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	13465 (भाग 3/खंड 1) : 2006 विद्युतरोधन के लिए प्रयुक्त रेजिन आधारित अभिक्रियाशील यौगिक—भाग 3 अलग-अलग सामग्री की विशिष्टियां खंड 1 अपूरित एपॉक्सी रेजिन यौगिक (प्रथम पुनरीक्षण)	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध है।

[संदर्भ : ईटी 02/टी-134]
पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 18th May, 2006

S.O. 2111.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 13465 (Part 3/Sec. 1) : 2006, Resin based reactive compounds used for electrical insulation Part 3 : Specification for individual materials Section 1 Unfilled epoxy resinous compounds (First Revision)	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. : ET 02/T-134]

P. K. MUKHERJEE, Scientist 'F' & Head (Electrotechnical)

नई दिल्ली, 22 मई, 2006

का.आ. 2112.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वह स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1258 : 2005 बेयोनेट लैम्फोल्डर (चौथा पुनरीक्षण)	—	31 मार्च, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनंतपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 23/टी-4]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 22nd May, 2006

S.O. 2112.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1258 : 2005 Bayonet Lampholders (Fourth Revision)	—	31 March, 2006

Copies of this amendment are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 23/T-4]
P. K. MUKHERJEE, Scientist 'F' & Head (Electrotechnical)

नई दिल्ली, 22 मई, 2006

का.आ. 2113.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1956 (भाग 4) : 1975—लौह एवं इस्पात की शब्दावली भाग 4—इस्पात की चदूर एवं पत्ती (पहला पुनरीक्षण)	संशोधन संख्या 3, मार्च 2006 से आई एस 1956 (भाग 4) : 1975	मार्च, 2006
2.	आई एस 1956 (भाग 5) : 1976—लौह एवं इस्पात की शब्दावली भाग 5—चमकीले इस्पात की छड़े एवं तार (पहला पुनरीक्षण)	संशोधन संख्या 3, मार्च 2006 से आई एस 1956 (भाग 5) : 1976	मार्च 2006

इन संशोधनों की प्रतिवां भारतीय मानक ब्लूरो, मानक भवन, 9 बहादुर शाह जकर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शास्त्र कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, मुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विकी हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-9]

एस. के. गुप्ता, वैज्ञानिक-'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 22nd May, 2006

S.O. 2113.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1956 (Part 4) : 1975—Glossary of Terms Relating to Iron and Steel Part 4 Steel Sheet and Strip (Fourth Revision)	Amendment No. 3 March 2006 to IS 1956 : 1975	March 2006
2.	IS 1956 (Part 5) : 1976—Glossary of Terms Relating to Iron and Steel Part 5 Bright Steel Bar and Steel Wire (First Revision)	Amendment No. 3 March 2006 to IS 1956 : 1976	March 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : MTD 4/T-9]

S.K. GUPTA, Scientist—'F' & Head (MTD)

नई दिल्ली, 23 मई, 2006

का.आ. 2114.—भारतीय मानक ब्लूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्लूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या और वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5780 : 2002/आई ई सी 60079-11 (1999) विस्फोटी गैस पर्यावरणों के लिए बिजली के उपकरण—आन्तरिक सुरक्षा "i" विशिष्टि-1 (दूसरा पुनरीक्षण)	1, दिसम्बर 2005	17 मई, 2006
2.	आई एस 6381 : 2004/आई ई सी 60079-7 (2001) विस्फोटी गैस पर्यावरणों के लिए बिजली के उपकरण—बढ़ी सुरक्षा "e" विशिष्टि-1 (पहला पुनरीक्षण)	1, दिसम्बर 2005	17 मई, 2006

इन भारतीय संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 22/टी-7 व टी-9]

पी.के. मुखर्जी, वैज्ञानिक-'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 23rd May, 2006

S.O. 2114.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 5780 : 2002/IEC 60079-11 (1999) Electrical Apparatus for Explosive Gas Atmospheres—Intrinsic safety "i" (Second Revision)	1, December 2005	17 May, 2006
2.	IS 6381 : 2004/IEC 60079-7 (2001) Electrical Apparatus for Explosive Gas Atmospheres—Intrinsic safety "e" (First Revision)	1, December 2005	17 May, 2006

Copies of these amendments are available with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 22/T-7 & T-9]

P.K. MUKHERJEE, Scientist—'F' & Head (Electrotechnical)

नई दिल्ली, 24 मई, 2006

का.आ. 2115.—भारतीय मानक ब्यूरो नियम, 1987, के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिया गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10000 (भाग 13) : 2002—आन्तरिक दहन इंजन के लिए परीक्षण पद्धतियाँ भाग 13 क्रान्तिक घटकों में कार्यात्मक परिवर्तनों के लिए आवश्यक परीक्षणों की प्रकृति की अनुशंसा	संशोधन संख्या 1, दिसम्बर 2005	31 दिसम्बर, 2005
2.	आई एस 10001:1981 सामान्य प्रयोजनों के लिए स्थिर चाल संपीडन (डीजल) इंजिनों (20 कि.वा. तक) की कार्यकारिता अपेक्षाओं की विशिष्टि	संशोधन संख्या 5, दिसम्बर 2005	31 दिसम्बर, 2005

(1)	(2)	(3)	(4)
3.	आई एस 11170:1985 कृषि प्रयोजनों के लिए स्थिर चाल संर्पीडन (डीजल) इंजिनों (20 कि.वा. तक) की कार्यकारिता अपेक्षाओं की विशिष्टि	संशोधन संख्या 4, दिसम्बर 2005	31 दिसम्बर 2005
4.	आई एस 15223:2002 स्वचल वाहन-भीतरी फिटिंग-विशिष्टि	संशोधन संख्या 1, मार्च 2006	31 मार्च 2006
5.	आई एस 15061:2002 स्वचल वाहन-ज्वलनशीलता-अपेक्षाएँ	संशोधन संख्या 1, अप्रैल 2006	31 अप्रैल 2006

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-17 : 2]

पी. सी. जोशी, निदेशक एवं प्रमुख (टी ई डी)

New Delhi, the 24th May, 2006

S.O. 2115.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No., Year & title of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10000 (Part 13):2002 Methods of test for internal combustion engines Part 13 Recommendations on nature of tests required for functional changes in critical components	Amendment No. 1, Dec. 2005	31 Dec., 2005
2.	IS 10001 : 1981 Specification for performance requirements for constant speed compression ignition (diesel) engines for general purposes (Up to 20 KW)	Amendment No. 5, Dec. 2005	31 Dec., 2005
3.	IS 11170 : 1985 Specification for performance requirements for constant speed compression ignition (diesel) engines for agricultural purposes (Up to 20 KW)	Amendment No. 4, Dec. 2005	31 Dec., 2005
4.	IS 15223:2002 Automotive vehicles-Interior fittings- Specification	Amendment No. 1, March 2006	31 March, 2006
5.	IS 15061:2002 Automotive vehicles-Flammability requirements	Amendment No. 1, April 2006	31 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : TED/G-17:2]

P.C. JOSHI, Director & Head (TED)

नई दिल्ली, 26 मई, 2006

का.आ. 2116.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानकों की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 9283:1995, निम्नजन पम्पसेटों के लिए मोटरें - विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 3, अप्रैल 2006	25 मई, 2006

इन भारतीय संशोधन की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों
नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद,
ज्योतपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 15/टी-30]

पी. के. मुखर्जी, वैज्ञा. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 26th May, 2006

**S.O. 2116.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987,
the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given
in the Schedule hereto annexed have been issued :**

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 9283:1995, Motors for submersible pumpsets Specification (First Revision)	Amendment No. 03, April 2006	25 May, 2006

Copy of this Amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

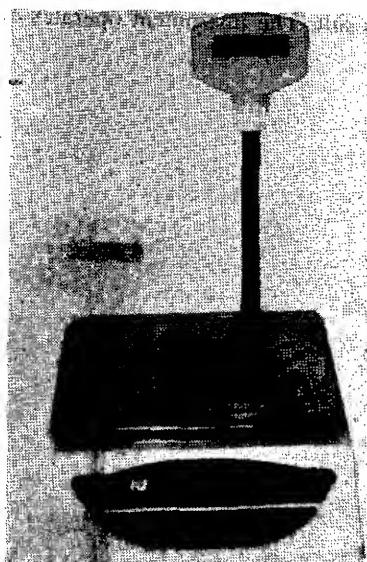
[Ref. : ET 15/T-30]

P. K. MUKHERJEE, Scientist 'F' & Head (Electrotechnical)

नई दिल्ली, 17 मई, 2006

का. आ. 2117.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जे कुमार एण्ड ब्रदर्स, 9, 3, आर डी क्रास स्ट्रीट, श्री निवास पुरम, कोरानूर, चैन्सी-600076 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ए-टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "न्यू टेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विहारी एन डी/09/2004/513 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 किं.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्मिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(98)/2003]

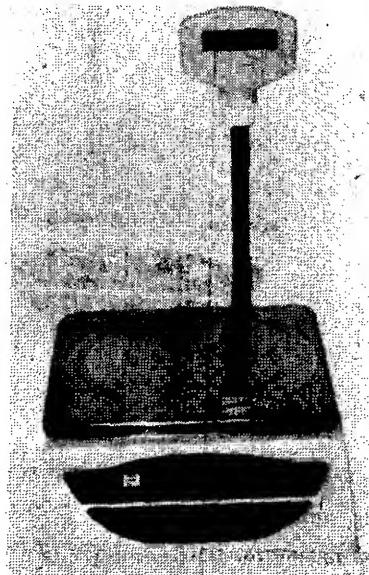
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2117.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "SA-T" series of high accuracy (Accuracy class-III) and with brand name "NEW TECH" (hereinafter referred to as the said model), manufactured by M/s. Jai Kumar & Brothers, 9, 3rd Cross Street, Srinivas, Puram, Korattur, Chennai-600 076 and which is assigned the approval mark IND/09/2004/513;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply..



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or, with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

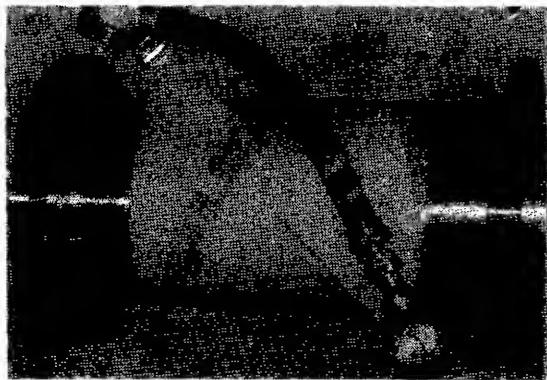
[F. No. WM-21(98)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2118.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा मॉडल अनुमोदन टेस्ट सर्टिफिकेट नं. टी. सी 3499 रिविजन 0 दिनांक 25 अक्टूबर, 2002 और रिविजन 1 दिनांक 11 जुलाई, 2003 को नीदरलैंड मीटिनस्टीटूट (एन एम आई सर्टिन बी वी) हुगो डी ग्रुटप्रिलिन 1,3314 ई जी डोरझे चट, दी नीदरलैंड द्वारा जारी अनुमोदित प्रयाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स काल्डल, इंक., 1070 बैंकसविले ऐबन्यू, पिट्सबर्ग, पीए 15216, अमेरीका द्वारा विनिर्मित एल ई एफ एम 240 सी शृंखला के मैजरमैन्ट ट्रांसडचूसर (अल्ट्रासोनिक मैजरमेन्ट ट्रांसडचूसर) के मॉडल का भारत के मैसर्स काल्डल लिमिटेड फ्लैट नं. 2/डी ई, श्री साई राम कोआपरेटिव हाउसिंग सोसायटी, राम मन्दिर रोड, गोरेंगांव (प.) मुंबई द्वारा प्रतिनिधित्व किया गया और जिसे अनुमोदन चिह्न आई एन डी/13/06/254 समनुदेशित किया गया है, के लिए शर्त यह है कि मैजरमेन्ट ट्रांसडचूसर को मापन प्रणाली के लिए प्रयुक्त किया जाता है इसकी संरचना टेस्ट सर्टिफिकेट से संबंधित डिस्क्रिप्शन एंड डाक्यूमेंटेशन फोल्डर के अनुमोदन चाहिए।



उक्त मॉडल एक मैजरमैन्ट ट्रांसडचूसर (अल्ट्रासोनिक मैजरमेन्ट ट्रांसडचूसर) है जिसका यथार्थता वर्ग 0.3, पर्यावरणीय वर्ग सी है, जिसे ओ आई एम एल की सिफारिश आर 117 के अंतर्गत पानी के अलावा अन्य तरल पदार्थों की मापन प्रणाली के रूप में श्रेणीगत किया गया है। इसको तरल पेट्रोल और संबंधित उत्पादों, तरल खाद्य और तरल अवस्था में रासायनिक उत्पादों के मापन के लिए अभिप्रेत किया गया है। जिसकी विस्कोसिटी 0.1 एम पी ए एस और 220 एम पी ए एस के बीच है। ट्रांसडचूसर ट्रांसीट टाईम सिद्धांत पर कार्य करता है। विद्युत आपूर्ति 230 वोल्ट ए सी, 50/60 हर्ट्ज, 120 वोल्ट डी सी पर उपलब्ध है। पाथ की संख्या 4 है।

स्टार्पिंग प्लेट को सील करने के अंतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा। उक्त मॉडल को सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों या भारत में बिक्री से पहले या बाद में किसी भी प्रकार से परिवर्तित नहीं किया जाएगा।

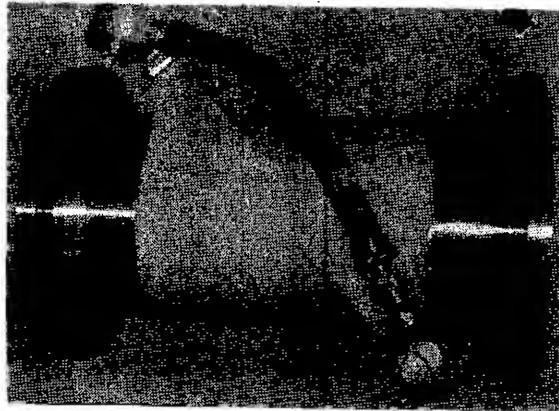
[फा. सं. डब्ल्यू एम-21(78)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2118.—Whereas after considering the report submitted to it by the prescribed authority along with the model approval Test Certificate Number TC 3499 Revision 0 dated October 25, 2002 and Revision 1 dated July 11, 2003 issued by the Nederlands Meetinstituut (NMI Certin B. V.), Hugo de Grootplein 1, 3314 EG Dordrecht, The Netherlands; the Central Government is satisfied that the model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the Measurement Transducer (Ultrasonic measurement transducer) of series LEFM 240 C manufactured by M/s Caldon, Inc., 1070 Banksville Avenue, Pittsburgh, PA 15216, United States of America and represented in India by M/s. Caldon Limited, Flat No. 2D/E, Shree Sairam, Co-operative Housing Society, Ram Mandir Road, Goregaon (West), Mumbai-400 062 and which is assigned the approval mark IND/13/06/254 ; the condition for approval is that if the measurement transducer is applied in a measuring system, it must be constructed in accordance with the Description and Documentation Folder belonging to the said Test Certificates.



The said model (see the figure given above) is a measurement transducer (Ultrasonic measurement transducer) of accuracy class 0.3, Environmental Class C, categorized as a measurement system for liquids other than water under OIML recommendation R 117. It is intended for measurement of liquid petroleum and related products, liquid food and chemical products in liquid state, with viscosities between 0.1 mPa-s and 220 mPa-s. The transducer works on transit time principle. The power supplies available are 230V AC, 50/60 Hz., 120 V Ac 50/60 Hz and 24 V DC. The number of paths are 4.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc or alteration of any other type before or after sales in India.

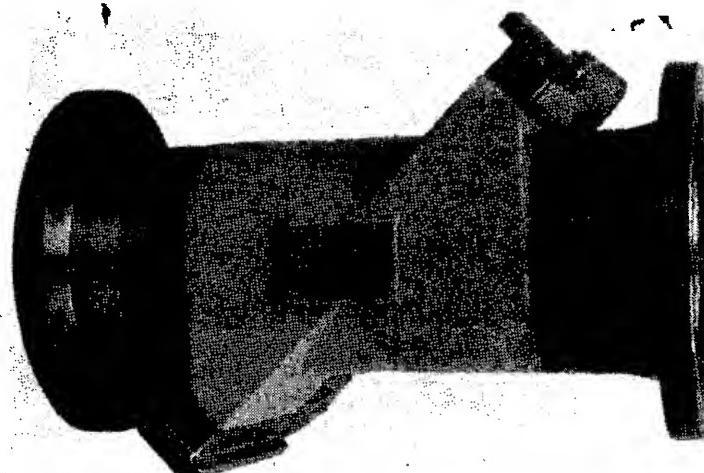
[F. No. WM-21(78)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2119.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा मॉडल अनुमोदन टेस्ट सर्टिफिकेट नं. टी. सी 3499 रिविजन 1 दिनांक 11 जुलाई, 2003 को नीदरलैंड मीटिनस्टीटूट (एन एम आई सर्टिन बी बी) हुगो डी ग्रुटप्रिलिन 1,3314 ई जी डोरहेचट, दी नीदरलैंड द्वारा जारी अनुमोदित प्रथाणपत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स काल्डन, इंक., 1070 बैंकसविले ऐवन्यू, पिट्सबर्ग, पीए 15216, अमेरीका द्वारा विनिर्मित एल ई एफ एम 220 सी शृंखला के मैजरमैन्ट ट्रांसड्यूसर (अल्ट्रासोनिक मैजरमेन्ट ट्रांसड्यूसर) के मॉडल का भारत के मैसर्स काल्डन लिमिटेड फ्लैट नं. 2/डी ई, श्री साई राम कोआपरेटिव हाउसिंग सोसायटी, राम मन्दिर रोड, गोरेगांव (प.) मुंबई द्वारा प्रतिनिधित्व किया गया और जिसे अनुमोदन विह आई एन डी/13/06/255 समनुदेशित किया गया है। ये लिए शर्त यह है कि मैजरमैन्ट ट्रांसड्यूसर को मापन प्रणाली के लिए प्रयुक्त किया जाता है इसकी संरचना टेस्ट सर्टिफिकेट से संबंधित डिस्क्रिप्शन एंड डाक्यूमेंटेशन फोल्डर के अनुसार होना चाहिए।



उक्त मॉडल एक मैजरमैन्ट ट्रांसड्यूसर (अल्ट्रासोनिक मैजरमेन्ट ट्रांसड्यूसर) है जिसका यथार्थता वर्ग 0.5, पर्यावरणीय वर्ग सी है, जिसे ओ आई एम एल की सिफारिश आर 117 के अंतर्गत पानी के अलावा अन्य तरल पदार्थों की मापन प्रणाली के रूप में श्रेणीगत किया गया है। इसको तरल पेट्रोल और संर्वधित उत्पादों, तरल खाद्य और तरल अवस्था में रासायनिक उत्पादों की मापन के लिए अभिप्रेत किया गया है। जिसकी विस्तोरित 0.1 एम पी ए एस और 220 एम पी ए एस के बीच है। ट्रांसड्यूसर ट्रांसीट टाईम सिद्धांत पर कार्य करता है। विद्युत आपूर्ति 230 वोल्ट ए सी, 50/60 हर्ट्ज, 120 वोल्ट ए सी 24 वोल्ट डी सी पर उपलब्ध है। पाथ की संख्या 2 है।

स्टार्टिंग फ्लैट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा। उक्त मॉडल को सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों या भारत में खिक्की से पहले या बाद में किसी भी प्रकार से परिवर्तित नहीं किया जाएगा।

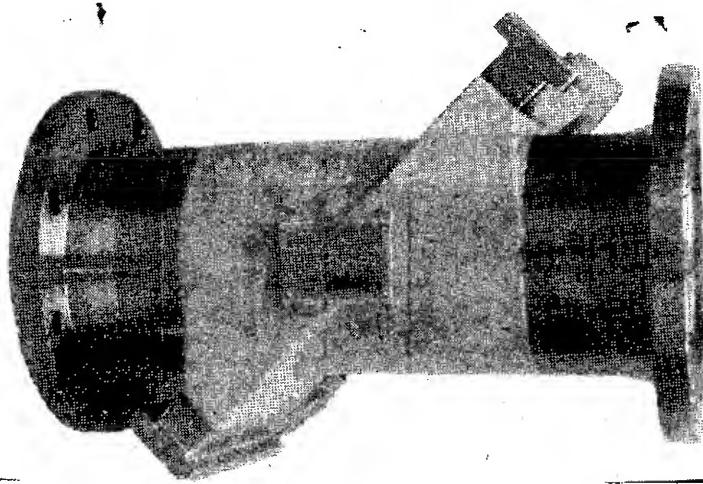
[फा. सं. डब्ल्यू एम-21(78)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2119.—Whereas after considering the report submitted to it by the prescribed authority along with the model approval Test certificate Number TC 3499 Revision 1 dated July 11, 2003 issued by the Nederlands Meetinstituut (NMI Certin B. V.), Hugo de Grootplein 1, 3314 EG Dordrecht, The Netherlands; the Central Government is satisfied that the model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the Measurement Transducer (Ultrasonic measurement transducer) of series LEFM 220 C manufactured by M/s Caldon, Inc., 1070 Banksville Avenue, Pittsburgh, PA 15216, United States of America and represented in India by M/s Caldon Limited, flat No. 2D/E, Shree Sairam, Co-operative Housing Society, Ram Mandir Road, Goregaon (West), Mumbai-400 062 and which is assigned the approval mark IND/13/06/255 ; the condition for approval is that if the measurement transducer is applied in a measuring system, it must be constructed in accordance with the Description and Documentation Folder belonging to the said Test Certificates.



The said model (see the figure given above) is a measurement transducer (Ultrasonic measurement transducer) of accuracy class 0.5, Environmental class C, categorized as a measurement system for liquids other than water under OIML recommendation R 117. It is intended for measurement of liquid petroleum and related products, liquid food and chemical products in liquid state, with viscosities between 0.1 mPa-s and 220 mPa-s. The transducer works on transit time principle. The power supplies available are 230V AC, 50/60 Hz, 120 V Ac 50/60 Hz and 24 V DC. The number of paths are 2.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc or alteration of any other type before or after sales in India.

[F. No. WM-21(78)/2004]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2120.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक लैंडिंग प्रा. लि., सी-5, रतनदीप इण्डस्ट्रियल इस्टेट, शास्त्री नगर, एल बी एस रोड, भानुप (पश्चिम) मुंबई- 400079 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ष-II) वाले “आई बी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इनटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/368 समनुरूपित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विद्युत चुम्बकीय शक्ति, प्रतिकर सिद्धांत पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 ग्रा. और न्यूनतम क्षमता 0.2 मि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनियमाता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(14)/2005]

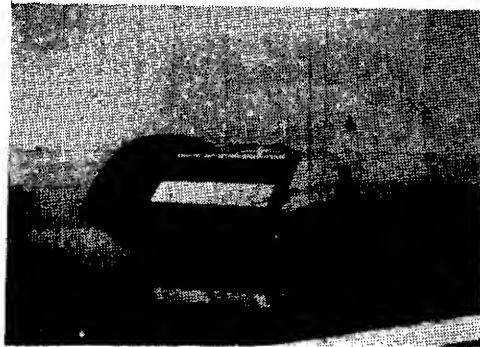
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2120.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IB" series of high accuracy (Accuracy class-II) and with brand name "INTECH" (hereinafter referred to as the said model), manufactured by M/s. Intech Weighing Private Limited, C-5, Ratandeep Industrial Estate Shastrinagar, L.B.S. Road, Bhandup(W), Mumbai-400 079, Maharashtra and which is assigned the approval mark IND/09/05/368;

The said model (see the figure given below) is an electromagnetic force compensation principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 500g. and minimum capacity of 0.2g. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg to 50mg or with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(14)/2005]

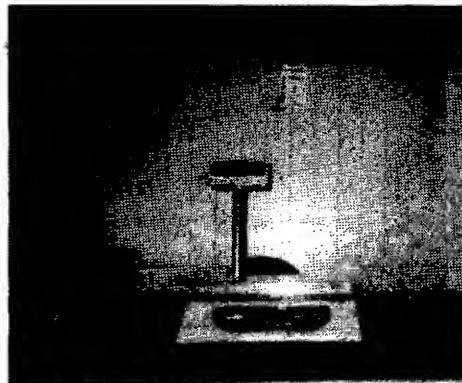
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2121.—केन्द्रीय सरकार का, विहित प्राथिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुसूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक बैंग प्रा. लि., सी-5, रतनदीप इण्डस्ट्रियल इंस्टेट, शास्त्री नगर, एल बी एस रोड, भानुप (पश्चिम) मुंबई- 400079 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “आई टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इनटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/369 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं: डब्ल्यू एम-21(14)/2005]

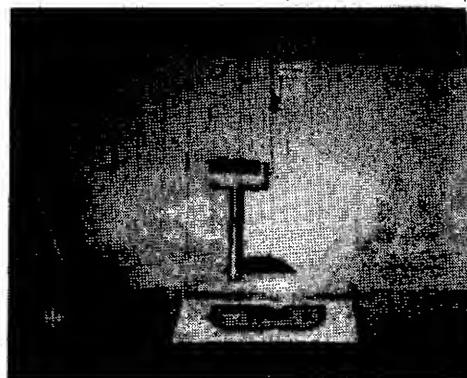
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2121.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IT" series of high accuracy (Accuracy class-II) and with brand name "INTECH" (hereinafter referred to as the said model), manufactured by M/s. Intech Weighing Private Limited, C-5, Ratandep Industrial Estate Shastrinagar, L.B.S. Road, Bhandup(W), Mumbai-400 079, Maharashtra and which is assigned the approval mark IND/09/2005/369;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(14)/2005]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2122.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक वेइंग प्रा. लि., सी-5, रतनदीप इण्डस्ट्रियल इस्टेट, शास्त्री नगर, एल बी एस रोड, भण्डूप (पश्चिम) मुंबई- 400079, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “आई पी” शृंखला के अंकक सूचन सहित, अस्वचालित इलैक्ट्रॉनिक तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इनटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/370 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेट फार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि. ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्राम है इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिगत धारिता आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अन्तराल (एन) 50 कि. ग्राम से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-4} , 2×10^{-4} या 5×10^{-4} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

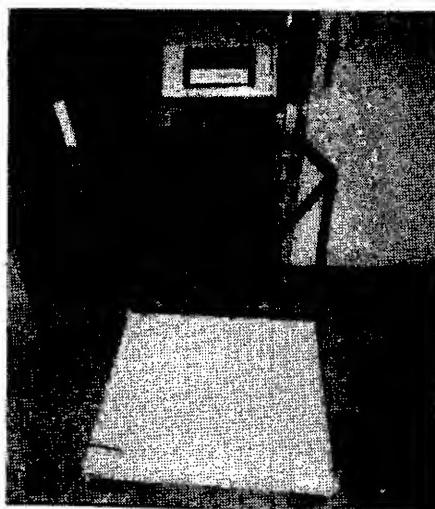
[फा. सं. डब्ल्यू एम-21(14)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2122.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "IP" series of medium accuracy (Accuracy class-III) and with brand name "INTECH" (hereinafter referred to as the said model), manufactured by M/s. Intech Weighing Private Limited, C-5, Ratandeept Industrial Estate Shastrinagar, L.B.S. Road, Bhandup(W), Mumbai-400 079, Maharashtra and which is assigned the approval mark IND/09/2005/370;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg, and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

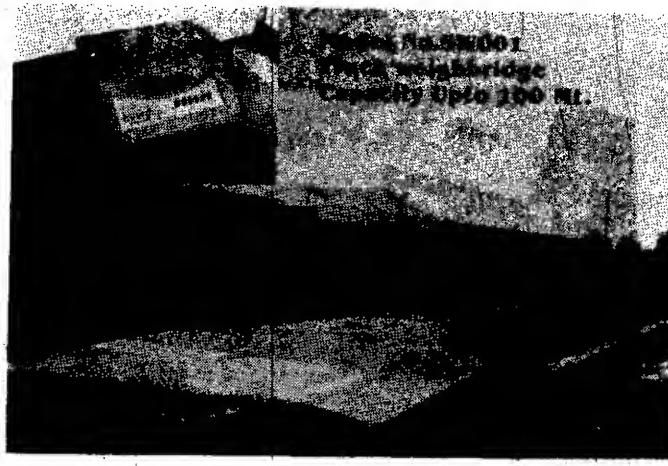
[F. No. WM-21(14)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2123.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साउर्वन वेङ्ग इंस्ट्रुमेंट्स प्राइवेट लिमिटेड, अशियाना, वसुन्धरा नगर (एस), जी ई रोड, फिल्हाई-3, जिला दुर्ग, छत्तीसगढ़ द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एस डब्ल्यू-001” शृंखला के, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट) के मॉडल का, जिसके ब्रांड का नाम “स्वास्तिक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/167 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट) है। इसकी अधिकतम क्षमता 100 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी निर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

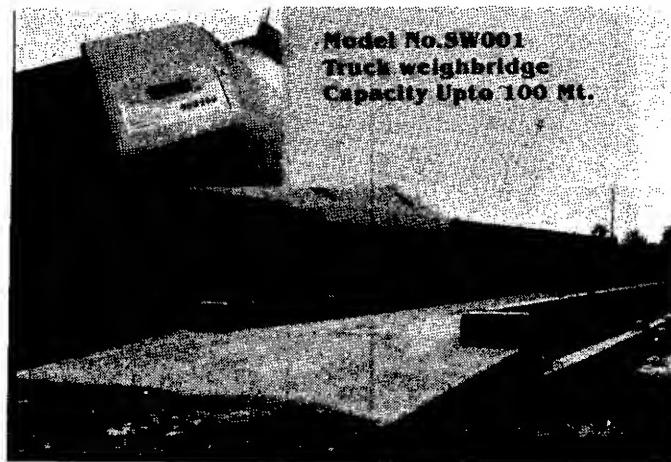
[फा. सं. डब्ल्यू एम-21(342)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2123.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (conversion kit for weighbridge) with digital indication belonging to medium accuracy (Accuracy class III) of "SW-001" series with brand name "SWASTIK" (herein referred to as the said model) manufactured by M/s. Southern Weighing Instruments Pvt. Ltd., Ashiana, Vasundhara Nagar (S), G. E. Road, Bhilai-3 Distt.- Durg, Chattisgarh and which is assigned the approval mark IND/09/06/167;



The said model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for weigh bridge) with a maximum capacity of 100 tonne and minimum capacity of 200 Kg. The verification scale interval (e) is 10 Kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5kg or more and with ' e ' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

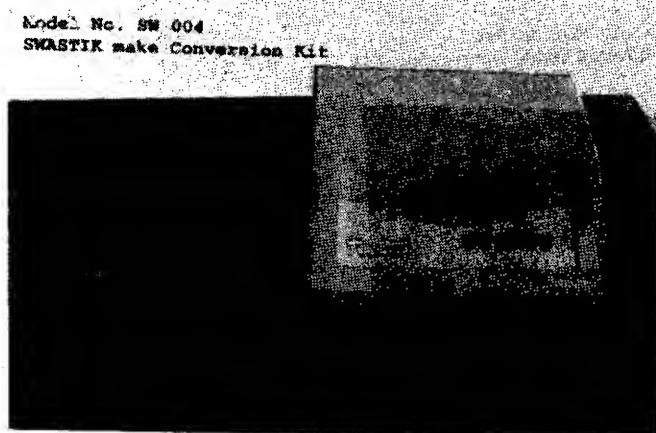
[F. No. WM-21(342)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2124.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साउदर्स वेइंग इंस्ट्रमेंट्स प्राइवेट लिमिटेड, अशियाना, वसुन्धरा नगर (एस), जी ई रोड, फिलाई-3, जिला-दुर्ग, छत्तीसगढ़ द्वारा विनिर्मित, मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस डब्ल्यू-004” शृंखला के, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट) के मॉडल का, जिसके ब्रांड का नाम “स्वास्तिक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/166 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट) है। इसकी अधिकतम क्षमता 5 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कंपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सालबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

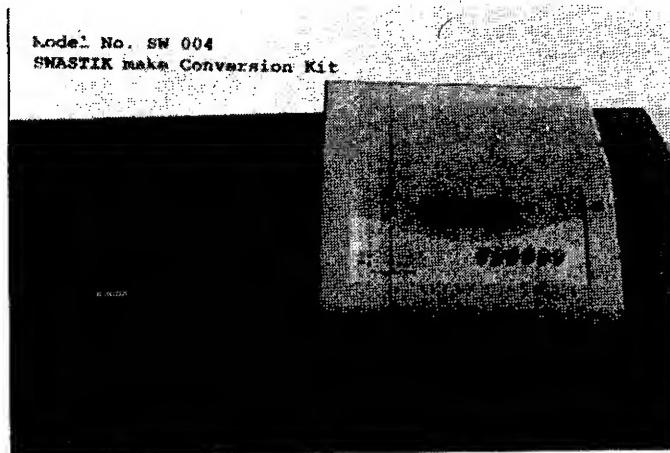
[फा. सं. डब्ल्यू एम-21(342)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2124.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (conversion kit for weighbridge) with digital indication belonging to medium accuracy (Accuracy class III) of "SW-004" series with brand name "SWASTIK" (herein referred to as the said model) manufactured by M/s. Southern Weighing Instruments Pvt. Ltd., Ashiana, Vasundhara Nagar (S), G. E. Road, Bhilai-3 Distt.- Durg, Chattisgarh and which is assigned the approval mark IND/09/06/166;



The said model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for weighbridge) with a maximum capacity of 6 tonne and minimum capacity of 200 Kg. The verification scale interval (e) is 10 Kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 5 tonne and upto 100 tonne above with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

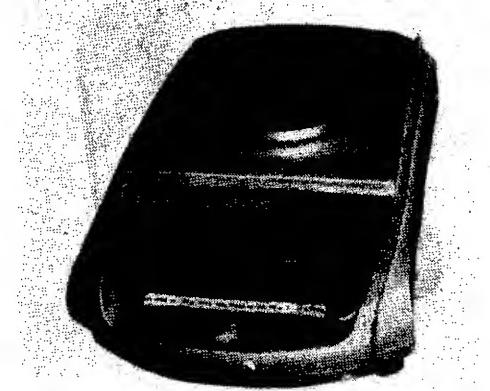
[F. No. WM-21(342)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2125.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसैई तेराऊका प्राइवेट लिमिटेड, 377/2, 6 क्रास, विल्सन गार्डन, बैंगलोर-560027 द्वारा विनिर्मित विशेष यथार्थता वर्ग (यथार्थता वर्ग-I) वाले “एफ.बी.” शृंखला के, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम “इसैई” (ई एस एस ए ई) है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2005/744 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल सिंगल मॉडल टेक्नोलॉजी अर्थात् इलेक्ट्रो मैग्नेटिक फोर्स कम्पनसेशन आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1200ग्रा. है और न्यूनतम क्षमता 1 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 0.01 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्रभाव है। लिकिड क्रिस्टल डायोड (एल.सी.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग स्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम या उससे अधिक के “ई” मान के लिए 50,000 से अधिक या उसके बराबर तक के रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

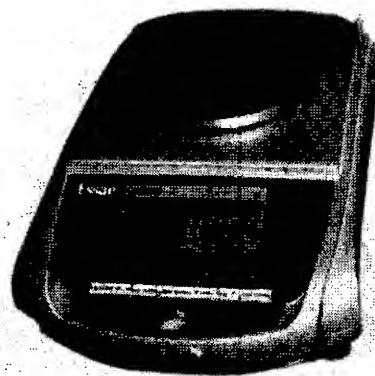
[फा. सं. डब्ल्यू एम-21(168)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2125.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "FB" series of special accuracy (Accuracy Class-I) and with brand name "ESSAE" (herein referred to as the said model) manufactured by M/s. Essae Teraoka Pvt. Ltd., 377/2, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/2005/744;



The said model is a single block technology i.e. Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 1200g and minimum capacity of 1g. The verification scale interval (e) is 0.01g. It has a tare device with 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) equal to or more than 50,000 for ' e ' value of 1mg. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

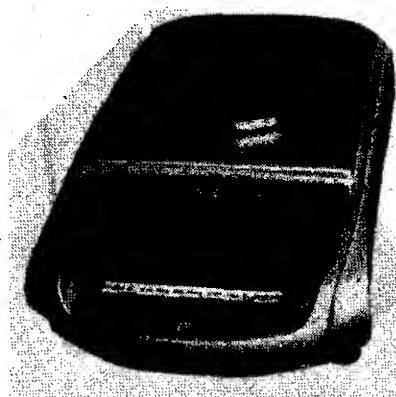
[F. No. WM-21(168)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2126.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्याथों के अनुरूप है और इस बात की संधावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसैइ तेराउका प्राइवेट लिमिटेड, 377/2,6 क्रास, विल्सन गार्डन, बैंगलोर-५६००२७ द्वारा विनिर्मित विशेष यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “पी जी” शृंखला के, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम “इसैइ” (ई एस ए ई) है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/745 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



PG-1000

उक्त मॉडल सिंगल मॉडल टेक्नोलॉजी अर्थात् इलेक्ट्रो मैग्नेटिक फोर्स कम्पन्सेशन आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000ग्रा. है और न्यूनतम क्षमता 200 मि.ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि.ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपर्याप्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबद्ध भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या अधिक के “ई” मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

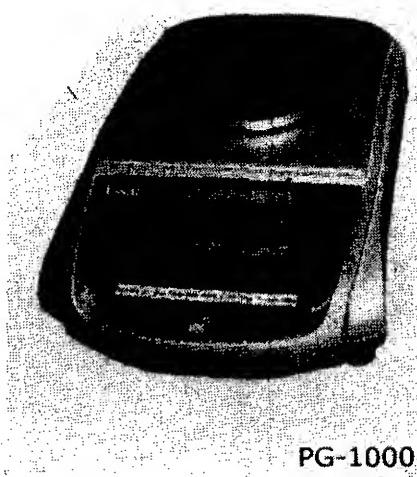
[फा. सं. डब्ल्यू एम-21(168)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2126.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series 'PG' of high accuracy (Accuracy class-II) and with brand name "ESSAE" (herein referred to as the said model), manufactured by M/s. Essae Teraoka Pvt. Ltd., 377/2, 6th Cross. Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/2005/745 ;



PG-1000

The said model (see the figure given below) is a single block technology i.e. Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Table top type) with the maximum capacity of 1000g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230V, and 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

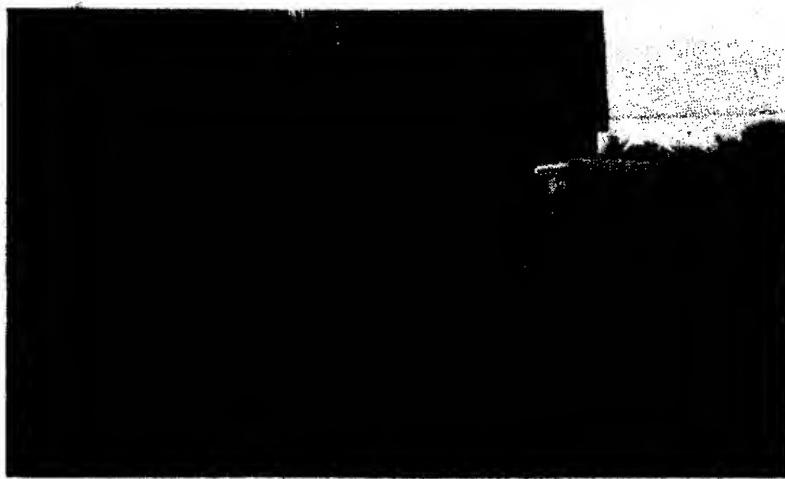
[F. No. WM-21(168)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2127.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्से डिजीट्रोनिक्स प्राइवेट लिमिटेड, ए-१ इंडस्ट्रीयल इस्टेट, ६२/३, बेगुर होबली रोड, बोम्बे हाल्ली, बंगलौर-५६००६८ द्वारा निर्मित यथार्थता वर्ग ०.५ वाले "ई डब्ल्यू आई एम" शृंखला के, अंक.८ सूचन सहित, स्वचालित सड़क पर चलते वाहनों का (एक्सिल व्हेअर) उपकरण के मॉडल का, जिसके ब्रांड का नाम "एस्से" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/०९/०६/१०७ समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल खड़े हुए सड़क वाहनों का सकल भार लेने वाला स्वचालित (एक्सिल व्हेअर) सड़क पर चलते हुए वाहनों का तोलन उपकरण है। इसकी अधिकतम क्षमता ५० टन और न्यूनतम क्षमता ५०० कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान १० कि. ग्रा. है। यह मशीन यथार्थता वर्ग ०.५ वाली है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण २३० बोल्ट और ५० हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मिटरिंग एकक को भी सील किया जाएगा और मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सालग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही में, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो ५ कि. ग्रा. या उससे अधिक के "ई" मान के लिए ५०० से १०,००० तक के रेंज में सत्यापन मान (एन) अन्तराल सहित ५.८ टन से १०० टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनकालक या छालात्मक या शून्य के समान हैं।

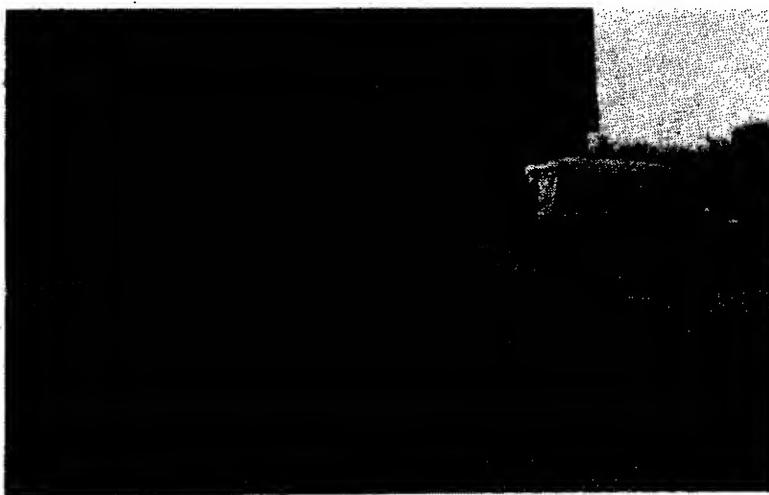
[फा. सं. डब्ल्यू एम-२१(३२७)/२००५]

पी. ए. कृष्णामूर्ति, निदेशक, विभिन्न प्रयोग विभाग

New Delhi, the 17th May, 2006

S.O. 2127.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of 'Automatic Instruments for weighing Road Vehicle in motion' (Axe Weigher) with digital indication of "EWIM" series of accuracy class 0.5 and with brand name "Essae" (herein referred to as the said model), manufactured by M/s. Essae Digitronics Pvt. Ltd, A1 Industrial Estate, 62/3, Begur Hobli Road, Boman Hally, Bangalore-560068 and which is assigned the approval mark IND/09/06/107;



The said model is a 'Automatic Instruments for weighing Road Vehicle in motion—Total vehicle weighing' (Axe Weigher) with a maximum capacity of 50tonne and minimum capacity of 500kg. The verification scale interval (e) is 10kg. The machine belongs to accuracy class 0.5. It has a tare device with a 100 per cent subtractive retained tare effect. The Vacuum Florescent (VFD) Display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity in the range of 5tonne to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(327)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2128.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रसुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ऐससे एस्से डिजीट्रोनिक्स प्राइवेट लिमिटेड, ए-१ इंडस्ट्रीयल इस्टेट, ६२/३, बोगुर होबली रोड, बोमन हाल्टी, बंगलौर-५६००६४ द्वारा निर्मित यथार्थता वर्ग III वाले “ई आर आई एम” शृंखला के, अंकक सूचन सहित, खड़े हुए सड़क के बाहरों का सकल भार लेने वाला (एक्सिल व्हेअर) उपकरण के माडल का, जिसके ब्रांड का नाम “एस्से” है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/०९/०६/१०८ समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल खड़े हुए सड़क बाहरों का सकल भार लेने वाला अस्वचालित (एक्सिल व्हेअर) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 500 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। यह भरणीय यथार्थता वर्ग III वाली है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मिटरिंग एकक को भी सील किया जाएगा और मशीन को कृपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो ५ कि. ग्रा. या उससे अधिक के “ई” मान के लिए ५०० से १०,००० तक के रेंज में सत्यापन मान (एन) अन्तराल सहित ५ टन से १०० टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूँजीक या शून्य के समतुल्य हैं।

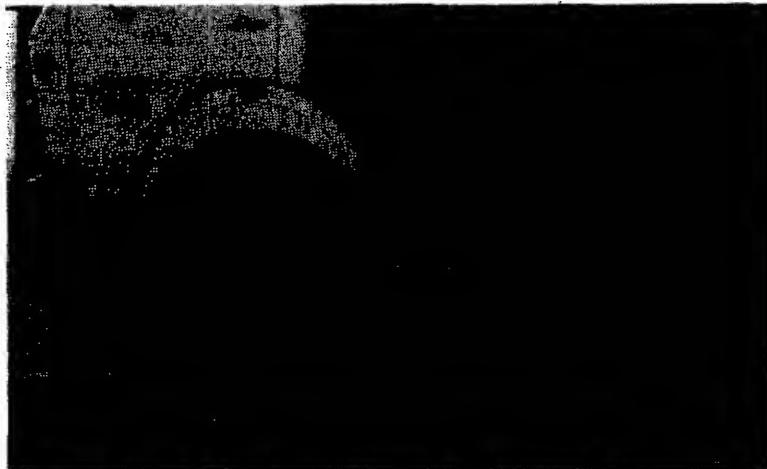
[फा. सं. डब्ल्यू. एम-21(327)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2128.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of 'non-automatic Instrument for static weighing Road Vehicle—Total vehicle weighing' (Axe Weigher) with digital indication of "ERIM" series of accuracy class III and with brand name "Essae" (herein referred to as the said Model), manufactured by M/s. Essae Digitronics Pvt. Ltd, A1 Industrial Estate, 62/3, Begur Hobli Road, Boman Hally, Bangalore-560068 and which is assigned the approval mark IND/09/06/108 ;



The said Model is a 'non-automatic Instruments for static weighing Road Vehicle—Total vehicle weighing' (Axe Weigher) with a maximum capacity of 50 tonne and minimum capacity of 500 kg. The verification scale interval (e) is 10 kg. The machine belongs to accuracy class-III. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Fluorescent (VFD) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity in the range of 5tonne to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured:

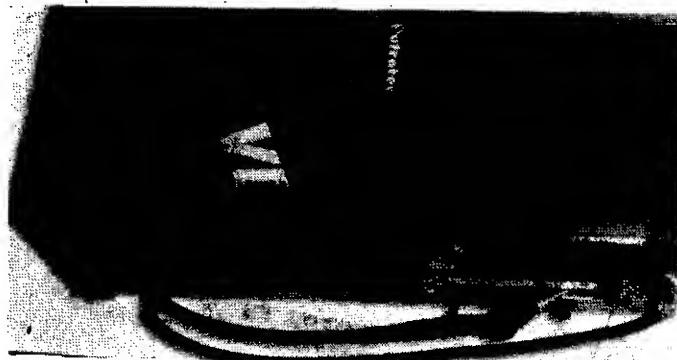
[F. No. WM-21(327)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2129.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा फिसीकलेश टेक्नीस्के बैंडेसरटालट (पी टी बी), ज़र्मनी, द्वारा अनुमोदन प्रमाणपत्र उसे प्रसुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पैट्रोटेक, एस ए, पार्क इंडस्ट्रियल सी-2, 4800-493, ग्यूमैरयस, पुर्टगाल द्वारा निर्मित 'मानक यूरो 1000, यूरो 2000 VI, एवं एम पी डी, यूरो 4000 तथा यूरो 4000 IV' शृंखला के मल्टी प्रोडेक्ट डिस्पैसिंग पम्प के मॉडल का, जिसके छाण्ड का नाम 'प्रोटेक्ट' है जिसका विषयन भारत के मैसर्स पैट्रोटेक रिटेल पैट्रोलियम इक्विपमेंट (इंडिया) प्राइवेट लिमिटेड, ई-145, जी आई डी सी इलैक्ट्रोनिक्स एस्टेट, सेक्टर-26 गांधी नगर-382 028 को किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/2006/58 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल फ्यूल डिस्पैसिंग पम्प है जिसमें आर टी एफ या आर टी एफ 25-80 प्रकार को बिल्ट इन गैस कलैक्टर (संग्राहक) है, सी ई एम 03 प्रकार के बिल्ट इन जेनरेटर और इलैक्ट्रॉनिक गणक के साथ पी टी एफ प्रकार का ट्यूब मैशारिंग एलिमेंट है। पी टी एफ प्रकार का ट्रांसफूर्मर 4 सिंगल साइड लोडेड पिस्टन से बना है जो सिलैन्डर में घूमते हैं, जिन्हें एक कामन केसिंग में रखा गया है, जो समतल स्थिति में है। ड्राइव शैफ्ट जो पल्स जेनरेटर के सा है, को अराल कीलों (क्रैंक पिन) की मदद से पिस्टन चलाया जाता है। अधिकतम प्रवाह दर 130 लीटर प्रति मिनट है और न्यूनतम प्रवाह दर 4 लीटर प्रति मिनट है। इसमें राशि और आयत के लिए प्रिसेट डिवाइस है। अधिकतम परिचालन दाब 3 बार है। अधिकतम आयतन तथा मूल्य 6 अंकों में प्रदर्श होती है। अधिकतम और न्यूनतम उत्पाद का अनुपात कम से कम 1/10 होना चाहिए। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है इसमें एक इलैक्ट्रो मैकेनिकल टोटलाइजर है। लिविंग क्रिस्टल डिस्प्ले (एल सी डी) प्रकार का प्रदर्श है।

/ स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मिटरिंग एकक को भी सील किया जाएगा और मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

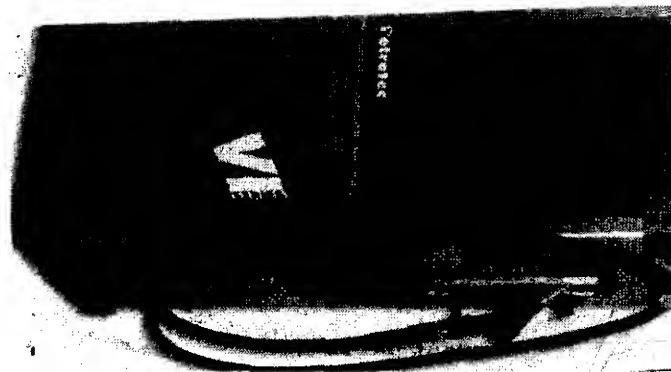
[फा. सं. डब्ल्यू एम-21(342)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2129.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of Model of multi product Dispensing pump of series Standard Euro 1000, Euro 2000 VI, and MPD, Euro 4000 and Euro 4000 IV with brand name **Protect** manufactured by M/s. Petrotec, S.A., Parque Industrial C-2, 4800-493 Guimaraes, Portugal and marketed in India by M/s. Petrotec-Retail Petroleum Equipment (India) Private Limited, E-145, GIDC Electronics Estate, Sector-26, Gandhinagar-382 028, Gujarat and which is assigned the approval mark IND/13/2006/58;



The said Model is a fuel dispensing pump consists of a pump with a built in gas collector of RTF or RTF 25-80 type. The tube measuring element is of PTF type with a build in pulse generator and electronic counter of the CEM 03 type. The PTF type transducer consists of 4 single sided loaded pistons that move in cylinders which are placed in a common casing that lies in horizontal position. The piston movement is conveyed by means of crank pins to the drive shaft leading to a pulse generator. The maximum flow rate is 130 litre per minute and minimum flow rate is 4 litre per minute. It has preset device for money and volume. The maximum operating pressure is 3bar. The maximum volume and price display are in 6 digits. Ratio of Maximum to Minimum output must be atleast 1/10. The ratio of maximum and minimum out put must be at least 1/10. The instrument operate on 230, 50Hertz alternate current power supply. it has an electro-mechanical totalizer. The display is of liquid crystal display (LCD) type.

In addition to sealing the stamping plate, sealing shall also done on the Metering unit and totalized to prevent the fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21(342)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंगल डिजीटल स्कैल, तृतीय तल, एन के वाई टावर्स, अजानी स्केअर, वर्धा रोड, नागपुर-440015 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए पी डब्ल्यू” शृंखला के अंकक सूचन सहित (सिक्का डालने पर व्यक्तियों का भार तोलने वाली) अस्वचालित, तोलन मशीन के मॉडल का, जिसके ब्रांड का नाम “आइवा” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1036 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अन्तराल सहित 100 कि.ग्रा. से 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(96)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2130.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument with digital indication (Electronic Coin Operated Person Weighing Machine) of medium accuracy (Accuracy class-III) belonging to "APW" series with brand name "AIWA" (hereinafter referred to as the said Model), manufactured by M/s. Eagle Digital Scale, 3rd Floor, N.K.Y. Towers, Ajani Square, Wardha Road, Nagpur-440 015 and which is assigned the approval mark IND/09/2005/1036;



The said Model (see the figure given above) is a strain gauge type load cell based weighing instrument with the maximum capacity of 200kg. and minimum capacity is 2kg. The verification scale interval (e) is 100g. The display is of Liquid Crystal Diode (LCD) type. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(96)/2005]

P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथोर्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंगल डिजीटल स्कैल, त्रुटीय तेल, एन के वाई टावर्स, अजानी स्केअर, वधा रोड, नागपुर-440015 द्वारा विनिर्मित मध्यम यथोर्थता (यथाकृता वर्ग-III) वाले “ए ओ एफ” शृंखला के अंकक सूचन महित स्वतः सूचक, स्वचालित फिलिंग मशीन के मॉडल का, जिसके ब्रांड का नाम “आइवा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1037 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित स्वचालित फिलिंग मशीन है। इसकी अधिकतम क्षमता 5ग्रा. के अंशांकन के साथ 25 कि.ग्रा. है। इसका उपयोग कन्टेनरों/पाउचों में खाद्य तेल भरने के लिए किया जाता है। यह एक घंटे में अधिकतम 70 कन्टेनर/पाउच भरती है। उंपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्टिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थसा और कार्यपालन के भरण मशीन भी होंगे जो 25 कि.ग्रा. तक की क्षमता वाले हैं।

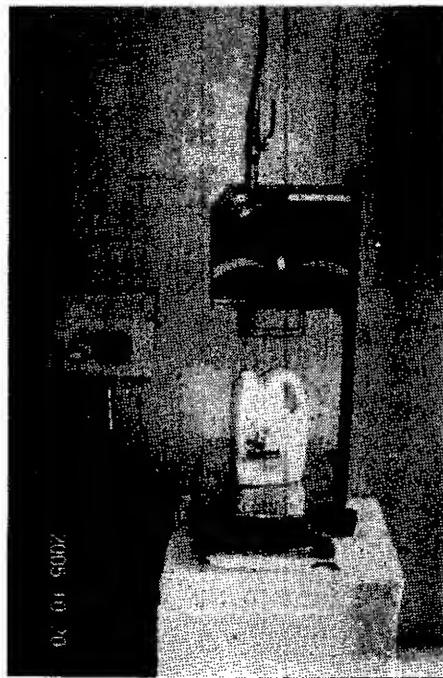
[फा. सं. डब्ल्यू एम-21(96)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2131.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating, Automatic Filling Machine of “AOF” series with brand name “AIWA” (herein referred to as the said Model), manufactured by M/s. Eagle Digital Scale, 3rd Floor, N.K.Y. Towers, Ajani Square, Wardha Road, Nagpur-440 015 and which is assigned the approval mark IND/09/2005/1037;



The said model is a load cell based automatic filling machine with a maximum capacity of 25kg. with graduation 5g. It is used for filling edible oil etc. in containers/pouches. It fills 70 fills per hour (max.). The Light Emitting Diode (LED) display indicates the weighing result.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with capacity up to 25kg. manufacturer by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

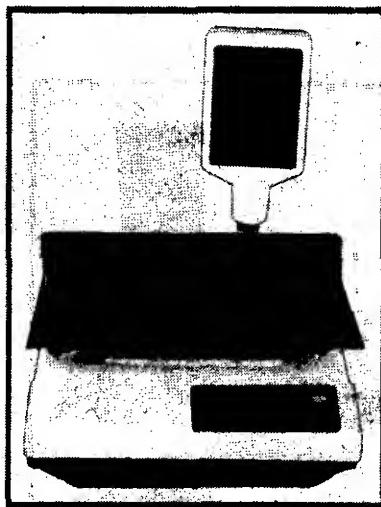
[F. No. WM-21(96)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2132.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स माइक्रो विजन नं. 202 और 203, संगम टावर, मिलाप चौक, जालंधर, पंजाब द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एम बी 1000” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “माइक्रो विजन” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/386 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है। और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यगालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन माप मान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

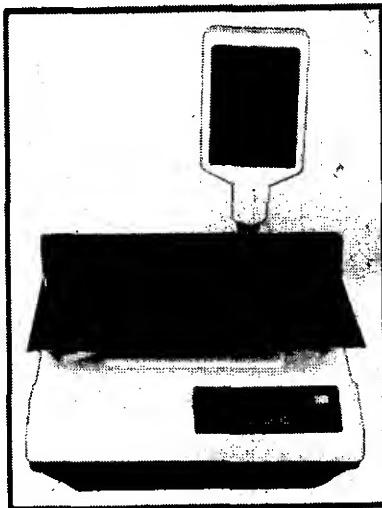
[फा. सं. डब्ल्यू एम-21(135)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2132.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MV 1000" series of high accuracy (Accuracy class-II) and with brand name "MICRO VISION" hereinafter referred to as the said model manufactured by M/s. Micro Vision No. 202 & 203 Sangam tower, Milap Chowk, Jalandhar, Punjab and which is assigned the approval mark IND/09/05/386;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 12 Kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of machine for fraudulent practices.

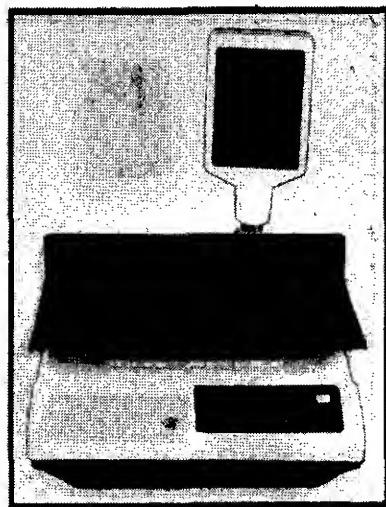
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of 50kg and with number of verification scale interval (n) in the range of 100 to 50000 for ' e ' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,00 for ' e ' value of 100 mg or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(135)/2003]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2133.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स माइक्रो विजन नं. 202 और 203, संगम टावर, मिलाप चौक, जालंधर, पंजाब द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम बी 2000” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ग्रांड का नाम “माइक्रो विजन” है (जिसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/387 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाइलिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला को वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्राम से 2 ग्रा. तक “ई” मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

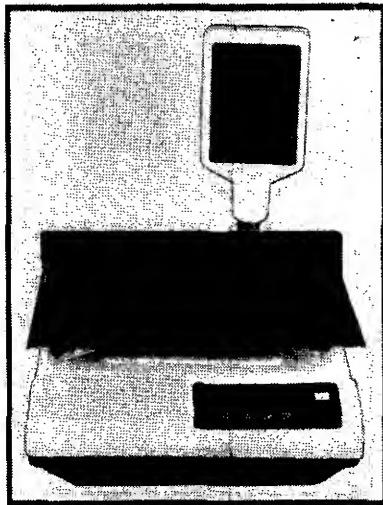
[फा. सं. डब्ल्यू एम-21(135)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2133.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MV 2000" series of medium accuracy (Accuracy class-III) and with brand name "MICRO VISION" hereinafter referred to as the said model manufactured by M/s. Micro Vision No. 202 & 203 Sangam Tower, Milap Chowk, Jalandhar, Punjab and which is assigned the approval mark IND/09/05/387;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 12 Kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of 50kg. with verification scale interval (n) in the range of 100 to 10,000 for ' e ' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

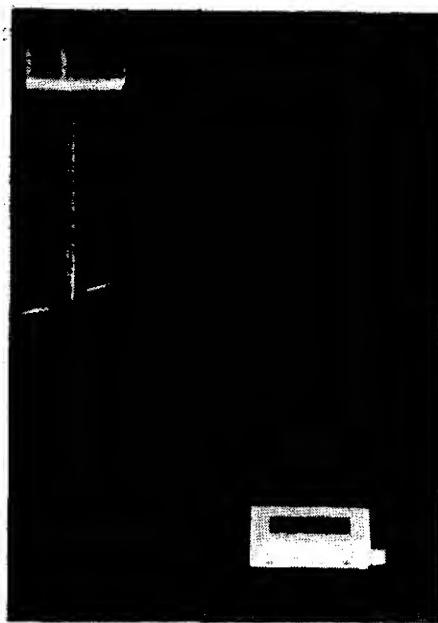
[F. No. WM-21(135)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2134.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स माइक्रो विजन नं. 202 और 203, संगम टावर, मिलाय चौक, जालंधर, पंजाब द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम बी 2000” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “माइक्रो विजन” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/388 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेट फार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपट्टेयूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक “ई” मान के लिए 500 से 10000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और .50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

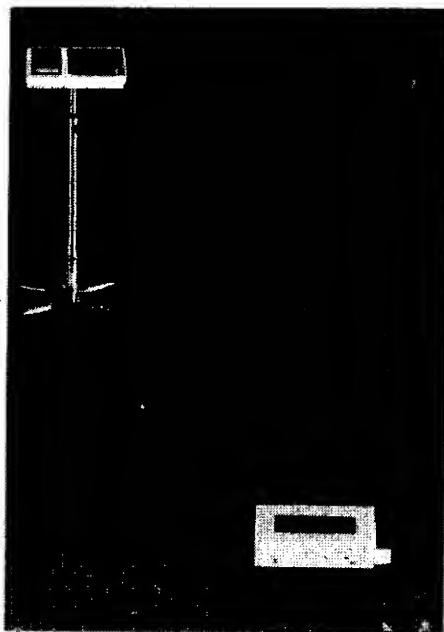
[फा. सं. डब्ल्यू एम-21(135)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2134.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Plateform type) with digital indication of "MV 3000" series of medium accuracy (Accuracy class-III) and with brand name "MICRO VISION" (hereinafter referred to as the said model) manufactured by M/s. Micro Vision No. 202 & 203 Sangam Tower, Milap Chowk, Jalandhar, Punjab and which is assisgned the aproval mark IND/09/05/388;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Plateform type) with a maximum capacity of 500 Kg. and mimimum capacity of 2kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of 50kg and up to 1000kg with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5g. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(135)/2003]

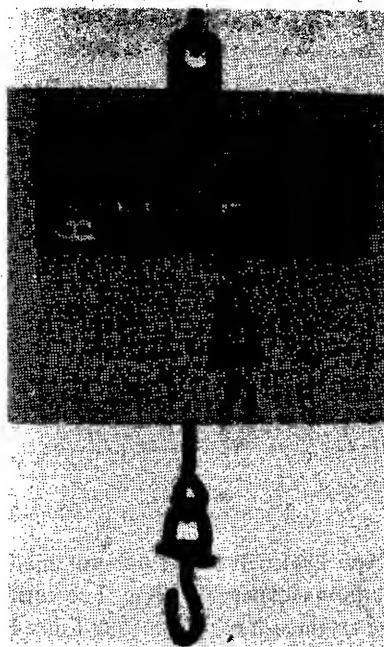
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2135.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डीप मार्केटिंग, ए/2, शगुन फ्लैट, कोस्मोविला गो हाउसेस के पास, प्रेमचन्द्रनगर रोड, सेटेलाइट, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एस डब्ल्यू-००” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हॉर्मिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डिजी-वे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/220 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (हॉर्मिंग प्रकार) है। इसकी अधिकतम क्षमता 500 किलो ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग फ्लैट को सील करने के अतिरिक्त मरीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और माडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किंग डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

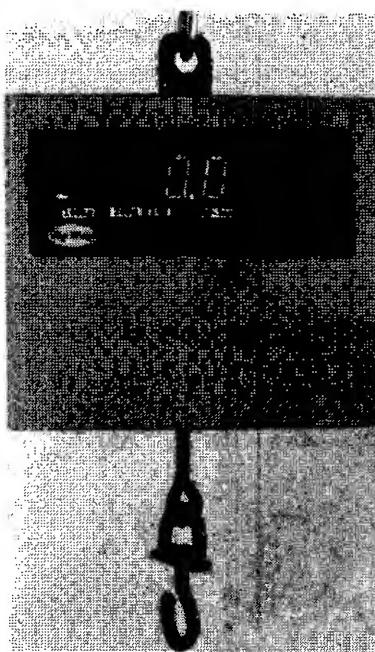
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 1,000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(336)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2135.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging type) with digital indication of "SW-500" series of medium accuracy (Accuracy class III) and with brand name "DIGI-WEIGH" (hereinafter referred to as the said Model), manufactured by M/s. Deep Marketing, A/2, Shagun Flats, Near Cosmovilla Row Houses, Premchandnagar Road, Satelite, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2006/220;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 500 kg. and minimum capacity of 1 Kg. The verification scale interval (*e*) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of 50 kg. and up to 1000 kg. with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or more and with '*e*' value 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(336)/2005]

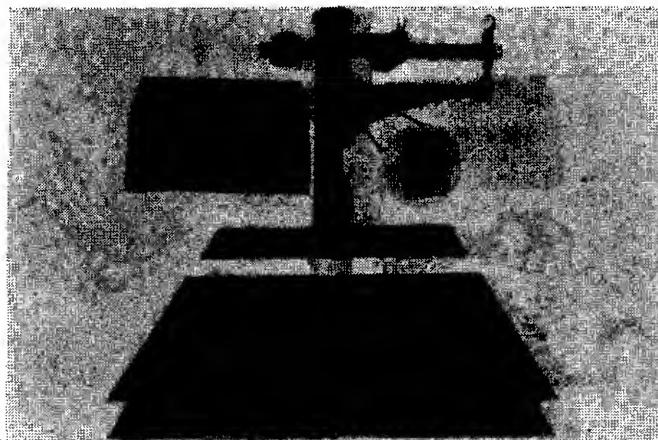
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2136.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डीप मार्कोटिंग, ए/2, शगुन फ्लैट, कोस्मोविला रो हाउसेस के पास, प्रेमचन्द्रनगर रोड, सेटेलाइट, अहमदाबाद, गुजरात द्वारा विनिर्भित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “डी डब्ल्यू-L” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कन्वर्सन किट) के मॉडल का, जिसके ब्रांड का नाम “डिजी-वे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/221 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कन्वर्सन किट) है। इसकी अधिकतम क्षमता 1000 किलो ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डीयोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्भाता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्भाता किया गया है, विनिर्भित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

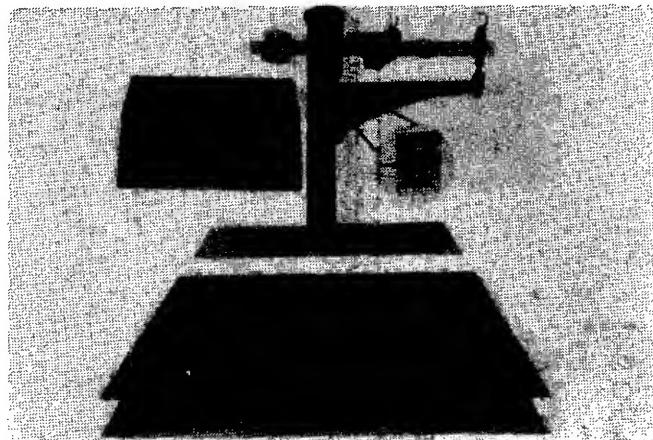
[फा. सं. डब्ल्यू एम-21(336)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2136.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for Platform Machine) with digital indication of "DW-1" series of medium accuracy (Accuracy class III) and with brand name "DIGI-WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Deep Marketing, A/2, Shagun Flats, Near Cosmovilla Row Houses, Premchandnagar Road, Satelite, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2006/221;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform Machine) with a maximum capacity of 1000 kg. and minimum capacity of 2 Kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

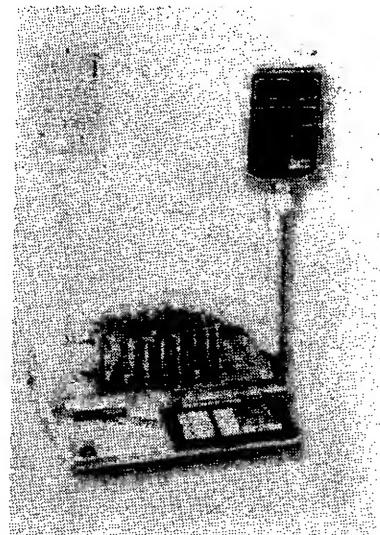
[F. No. WM-21(336)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2137.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हॉवेस्ट इलैक्ट्रोनिक्स लिमिटेड, 311/312, बालदा उद्योग भवन, नायगांव क्रास रोड, बालदा मुंबई-400031 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी टी-3” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए टी सी ओ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/672 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 किलो ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान अधिकतम 20 कि.ग्रा. तक 2 ग्रा. और 20 से 50 कि. ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

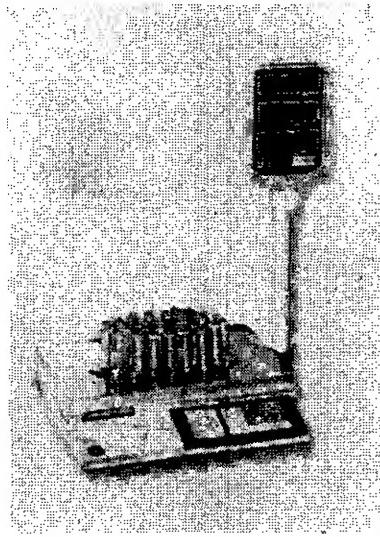
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(155)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2137.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "TT-3" series of medium accuracy (Accuracy class III) and with brand name "ATCO" (herein referred to as the said model), manufactured by M/s. Harvest Electronics Ltd., 311/312, Wadala Udyog Bhavan, Naigaon Cross Road, Wadala, Mumbai-400031 and which is assigned the approval mark IND/09/2005/672;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 50 kg and minimum capacity of 40g. The verification scale interval (*e*) is 2g for maximum capacity upto 20kg and 5g for capacity above 20kg and upto 50kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (*n*) in the range of 100 to 10000 for '*e*' value of 100mg to 2g or with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or more and with '*e*' value 1×10^k , 2×10^k or 5×10^k , *k* being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

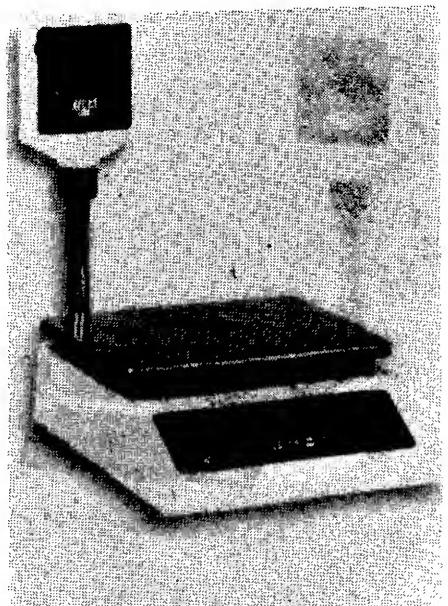
[F. No. WM-21(155)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2138.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में विर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एकॉम स्केल्स, प्राइवेट लिमिटेड, नं. 103, एस 3 ए, नैनी अप्पन स्ट्रीट, द्वितीय तल, महाबीर चैम्बर, पार्क टाउन, चेन्नई 600003 तमिलनाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए पी टी-305” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एकॉम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/55 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और इस मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांतों आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

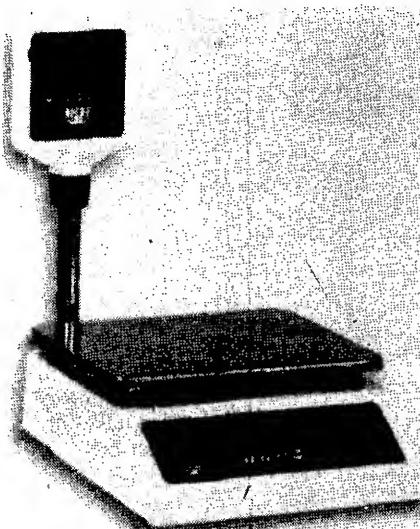
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k या 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(326)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2138.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class -III) of series "APT-305" and with brand name "APCOM" (herein after referred to as the said Model), manufactured by M/s. Apcom Scales Private Limited, No. 103, S-3A, Nainiappan Street, 2nd Floor, Mahavir Chamber, Park Town, Chennai-600003, Tamil Nadu and which is assigned the approval mark IND/09/2006/55;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for ' e ' value of 100mg. to 2g and with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

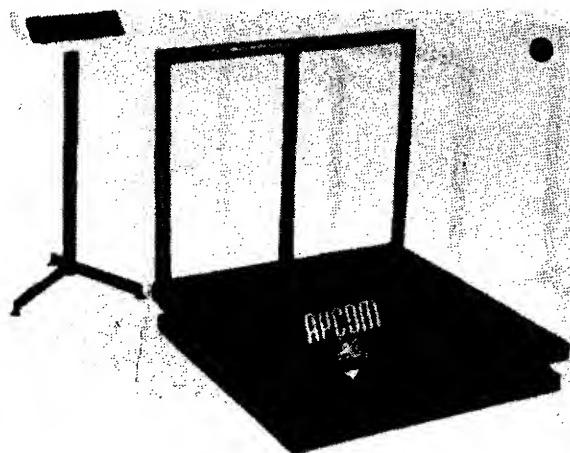
[F. No. WM-21(326)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 मई, 2006

का.आ. 2139.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976.(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एफ्कॉम स्केल्स, प्राइवेट लिमिटेड, नं. 103, एस 3 ए, नैनी अपन स्ट्रीट, द्वितीय तल, महाबीर चैम्पर, पार्क टाउन, चेन्नई 600003 तमिलनाडु द्वारा विर्भित मध्यम यथार्थता (यथार्थता वर्ग-III) वा “ए पी एम-305” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (एलेटफार्म प्रकार) के मॉडल का, जिसके बांड का नाम “एफ्कॉम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/56 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (एलेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रधाव है। प्रकाश उत्सर्जक डायोड (एल ई-डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग स्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और इस माडल को इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांतों आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

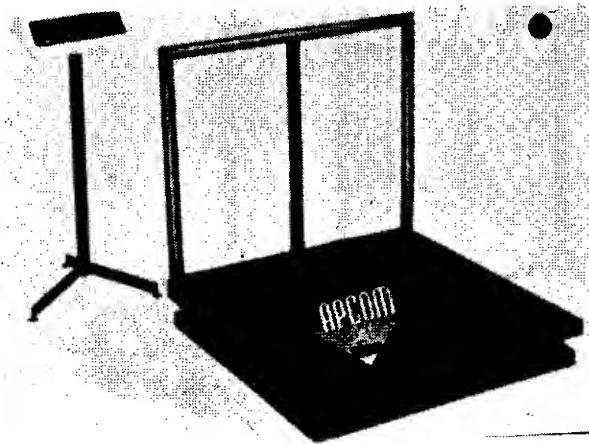
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला वेट वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(326)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2139.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) of series "APT-305" and with brand name "APCOM" (herein after referred to as the said model), manufactured by M/s. Apcom Scales Private Limited, No. 103, S-3A, Nainiappan Street, 2nd Floor, Mahavir Chamber, Park Town, Chennai-600003, Tamil Nadu and which is assigned the approval mark IND/09/2006/56;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

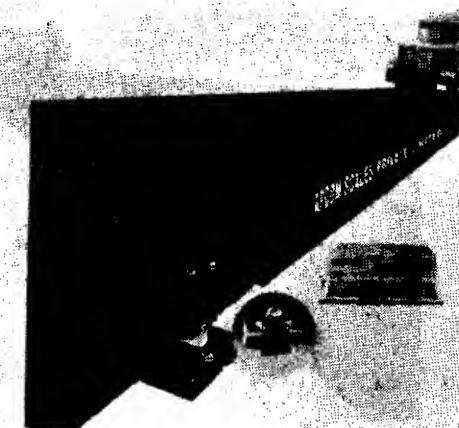
In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(326)/2005]
P. A. KRISHNAMOORTHY, Director Legal Metrology

का.आ. 2140.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एफ्कॉम स्केल्स, प्राइवेट लिमिटेड, नं. 103, एस 3 ए, नैनी अप्पन स्ट्रीट, द्वितीय तल, महाबीर चैम्बर, पार्क टाउन, चेन्नई 600003 तमिलनाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए पी पी डब्ल्यू ई-305” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एफ्कॉम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/57 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (तोल सेतु प्रकार का) है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

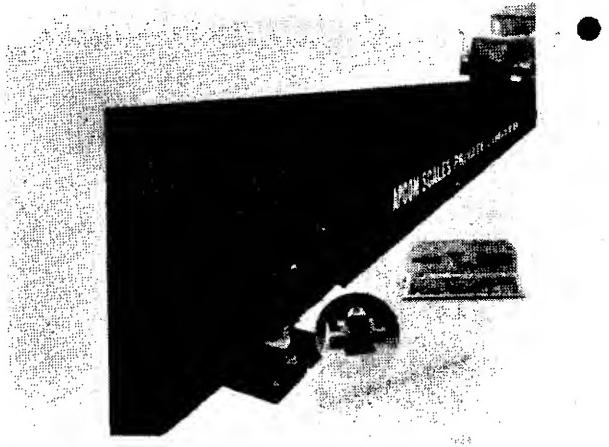
स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान (एन) अंतराल सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(326)/2005]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

S.O. 2140.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class III) of series "APPWE-305" and with brand name "APCOM" (hereinafter referred to as the said model), manufactured by M/s. Apcom Scales Private Limited, No. 103, S-3A, Nainiappan Street, 2nd Floor, Mahavir Chamber, Park Town, Chennai-600 003, Tamil Nadu and which is assigned the approval mark IND/09/2006/57;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400 kg. The verification scale interval (*e*) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5 kg more and with '*e*' value 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(326)/2005]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 मई, 2006

का. आ. 2141—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1400(अ) तारीख 21-12-2004 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा राजस्थान राज्य में विजयपुर-कोटा एवं स्पर पाइपलाइनों द्वारा प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 25-10-2005 को उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
शौलपुर	बाड़ी	जगरी बैसुआ	1040	0.0040

986	0.0020
1036	0.2480
1034	0.0110
1032	0.0450
1033	0.2880

शौलपुर	बाड़ी	जगरी बैसुआ	1031	0.1720
			1026	0.0650
			1028	0.0030
			1027	0.2380
			1025	0.0100
			योग	1.0860
जमालपुर			178	0.2052
			180	0.1134
			179	0.0756
			182	0.0020
			176	0.0952
			175	0.2052
			154	0.1782
			155	0.0972
			144	0.1674
			143	0.0054
			123	0.1598
			121	0.0972
			122	0.1372
			118	0.0302
			88	0.0508
			89	0.0378
			90	0.0324
			91	0.0162
			92	0.0216
			93	0.0088
			97	0.0020
			107	0.0292
			106	0.1620
			104	0.0140
			75	0.1026
			74	0.1598
			73	0.0378
			72	0.0378
			71	0.2160
			योग	2.4980
उलावटी			191	0.0940
			202	0.0324
			201	0.0032
			193	0.1188
			200	0.0594
			198	0.1026
			194	0.0292
			195	0.1134
			196	0.0378
			185	0.2302
			183	0.0020
			209	0.0540
			235	0.0918
			237	0.2592
			238	0.1005
			239	0.1566
			247	0.1350
			257	0.0020
			258	0.0498

1	2	3	4	5	1	2	3	4	5
बौलपुर	बाडी	उलावटी	259	0.0378	बौलपुर	बाडी	लेखपुरा	175	0.0324
			260	0.0378				176	0.0054
			262	0.0108				164	0.1836
			514	0.0196				163	0.0972
			513	0.0020				155	0.1890
			488	0.1598				156	0.0020
			487	0.0410				154	0.0304
			491	0.1566				396/165	0.1048
			492	0.0810				76	0.0054
			493	0.0756				69	0.1652
			494	0.0648				70	0.0270
			478	0.0108				68	0.1998
			496	0.0540				67	0.0918
			477	0.0540				65	0.0162
			473	0.1404				64	0.0594
			472	0.0054				56	0.1480
			470	0.0324				56/357	0.1674
			469	0.1404				55	0.1544
			468	0.0972				54	0.1296
		योग	2.8933					57	0.0054
पुरा		466	0.1620					48	0.1242
उलावटी		578	0.0054					47	0.4212
		579	0.0540					40	0.0378
		580	0.0972					योग	2.3976
		465	0.0140					243	0.0020
		581	0.0346					240	0.2140
		582	0.0648					241	0.0910
		583	0.0972					239	0.0020
		587	0.1566					238	0.2364
		588	0.0756					24	0.0486
		589	0.0756					23	0.0108
		590	0.1296					27	0.2052
		607	0.0620					32	0.0648
		606	0.0304					46	0.1566
		605	0.0540					45	0.0810
		591	0.0108					44	0.1188
		604	0.0648					43	0.0648
		603	0.1080					49	0.0432
		602	0.1114					50	0.1512
		616	0.0020					52	0.0378
		617	0.0432					53	0.0756
		618	0.0378					54	0.1080
		619	0.0540					139	0.1890
		620	0.0054					144	0.0020
		622	0.0292					140	0.2052
		624	0.0248					103	0.0020
		625	0.0486					104	0.0682
		626	0.1728					105	0.1620
		627	0.0020					112	0.0864
		योग	1.7678					111	0.0486
जहांनपुर		02	0.0486					114	0.1590
		01	0.3456					115	0.0030
		05	0.0648					116	0.0648
		योग	0.4590					117	0.1188
								94	0.6048
								योग	3.4256

1	2	3	4	5	1	2	3	4	5
बैलपुर	बाड़ी	जपानस्ती	1386	0.0486	बैलपुर	बाड़ी	अफगानिस्तान	2301	0.0648
			1387	0.2430				2302	0.2430
			1388	0.1134				2303	0.0486
			1389	0.4968				बोम	5.6788
			बोम	0.9018				14	0.0108
			अफगानिस्तान	1647	0.0810			17	0.2300
				1646	0.0108			18	0.0324
				1648	0.1890			21	0.1242
				1649	0.1080			06	0.1480
				1650	0.0054			22	0.0648
				1628	0.1998			23	0.0020
				1629	0.1350			05	0.2194
				1620	0.1512			28	0.0270
				1619	0.0324			27	0.2430
				1618	0.0648			40	0.0540
				1621	0.0216			बोग	1.1556
				1617	0.0216			399	0.2194
				1706	0.1188			400	0.0020
				1603	0.0864			402	0.0216
				1604	0.0324			401	0.1404
				1602	0.0216			416	0.0270
				1707	0.1480			415	0.1404
				1715	0.1058			414	0.0216
				2156	0.1404			433	0.0108
				2153	0.0400			429/626	0.1944
				2152	0.0680			437	0.0216
				2151	0.1026			438	0.2106
				2150	0.0864			439	0.1836
				2147	0.1134			462	0.0054
				2166	0.0810			460	0.2376
				2167	0.1546			459	0.1080
				2171	0.3780			461	0.0972
				2185	0.1944			526	0.1512
				2202	0.2106			527	0.0648
				2196	0.0054			565	0.0020
				2204	0.0216			564	0.1026
				2205	0.2484			561	0.0972
				2217	0.0162			560	0.0364
				2213	0.0594			579	0.1674
				2223	0.2160			580	0.0125
				2224	0.1296			578	0.2322
				2230	0.1242			577	0.0756
				2227	0.1782			591	0.6224
				2237	0.1242			592	0.3348
				2238	0.0648			बोग	3.5407
				2249	0.1404				
				2247	0.1728				
				2245	0.0648				
				2246	0.2376				
				2291	0.0216				
				2295	0.1188				
				2294	0.2626				
				2296	0.0020				
				2293/2	0.0108				
									[फा. सं. एल-14014/18/05-जी.पी.]
									एस. बी. मण्डल, अवर सचिव

[फा सं एल-14014/18/05-जी.पी.]

एस. बी. पण्डल. अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 26th May, 2006

S.O. 2141.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1400(E), dated 21-12-2004 issued under sub-section (1) of Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas through Vijaipur-Kota and spur pipelines in the State of Rajasthan, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public on 25-10-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)	
1	2	3	4	5	
Dholpur	Bari	Jarari	1040	0.0040	
		Ghehsua	986	0.0020	
			1036	0.2480	
			1034	0.0110	
			1032	0.0450	
			1033	0.2880	
			1031	0.1720	
			1026	0.0650	
			1028	0.0030	
			1027	0.2380	
			1025	0.0100	
			Total	1.0860	

			1	2	3	4	5
		Dholpur	Bari	Jamalpur	178	0.2052	
					180	0.1134	
					179	0.0756	
					182	0.0020	
					176	0.0952	
					175	0.2052	
					154	0.1782	
					155	0.0972	
					144	0.1674	
					143	0.0054	
					123	0.1598	
					121	0.0972	
					122	0.1372	
					118	0.0302	
					88	0.0508	
					89	0.0378	
					90	0.0324	
					91	0.0162	
					92	0.0216	
					93	0.0088	
					97	0.0020	
					107	0.0292	
					106	0.1620	
					104	0.0140	
					75	0.1026	
					74	0.1598	
					73	0.0378	
					72	0.0378	
					71	0.2160	
					Total	2.4980	
					191	0.0940	
					202	0.0324	
					201	0.0032	
					193	0.1188	
					200	0.0594	
					198	0.1026	
					194	0.0292	
					195	0.1134	
					196	0.0378	
					185	0.2302	
					183	0.0020	
					209	0.0540	
					235	0.0918	
					237	0.2592	
					238	0.1005	
					239	0.1566	
					247	0.1350	
					257	0.0020	
					258	0.0498	
					259	0.0378	
					260	0.0378	
					262	0.0108	
					514	0.0196	
					513	0.0020	

1	2	3	4	5	1	2	3	4	5
Dholpur	Bari	Ulawati	488	0.1598	Dholpur	Bari	Lakhepura	155	0.1890
			487	0.0410				156	0.0020
			491	0.1566				154	0.0304
			492	0.0810				396/165	0.1048
			493	0.0756				76	0.0054
			494	0.0648				69	0.1652
			478	0.0108				70	0.0270
			496	0.0540				68	0.1998
			477	0.0540				67	0.0918
			473	0.1404				65	0.0162
			472	0.0054				64	0.0594
			470	0.0324				56	0.1480
			469	0.1404			Lakhepura	56/357	0.1674
			468	0.0972				55	0.1544
			Total	2.8933				54	0.1296
Pura		466	0.1620					57	0.0054
	Ulawati	578	0.0054					48	0.1242
		579	0.0540					47	0.4212
		580	0.0972					40	0.0378
		465	0.0140				Total	2.3976	
		581	0.0346				Baktupura	243	0.0020
		582	0.0648					240	0.2140
		583	0.0972					241	0.0910
		587	0.1566					239	0.0020
		588	0.0756					238	0.2364
		589	0.0756					24	0.0486
		590	0.1296					23	0.0108
		607	0.0020					27	0.2052
		606	0.0304					32	0.0648
		605	0.0540					46	0.1566
		591	0.0108					45	0.0810
		604	0.0648					44	0.1188
		603	0.1080					43	0.0648
		602	0.1114					49	0.0432
		616	0.0020					50	0.1512
		617	0.0432					52	0.0378
		618	0.0378					53	0.0756
		619	0.0540					54	0.1080
		620	0.0054					139	0.1890
		622	0.0292					144	0.0020
		624	0.0248					140	0.2052
		625	0.0486					103	0.0020
		626	0.1728					104	0.0682
		627	0.0020					105	0.1620
		Total	1.7678					112	0.0864
Jahanpur		02	0.0486					111	0.0486
		01	0.3456					114	0.1590
		05	0.0648					115	0.0030
		Total	0.4590					116	0.0648
Lakhepura		175	0.0324					117	0.1188
		176	0.0054					94	0.6048
		164	0.1836				Total	3.4256	
		163	0.0972						

1	2	3	4	5	1	2	3	4	5
Dholpur	Bari	Jharpawali	1386	0.0486	Dholpur	Bari	Afzalpur	2301	0.0648
			1387	0.2430				2302	0.2430
			1388	0.1134				2303	0.0486
			1389	0.4968					
			Total	0.9018				Total	5.6788
		Afzalpur	1647	0.0810				14	0.0108
			1646	0.0108				17	0.2300
			1648	6.1890				18	0.0324
			1649	0.1080				21	0.1242
			1650	0.0054				06	0.1480
			1628	0.1998				22	0.0648
			1629	0.1350				23	0.0020
			1620	0.1512				05	0.2194
			1619	0.0324				28	0.0270
			1618	0.0648				27	0.2430
			1621	0.0216				40	0.0540
			1617	0.0216				Total	1.1556
			1706	0.1188				Aranua	399
			1603	0.0864					0.2194
			1604	0.0324				400	0.0020
			1602	0.0216				402	0.0216
			1707	0.1480				401	0.1404
			1715	0.1058				416	0.0270
			2156	0.1404				415	0.1404
			2153	0.0400				414	0.0216
			2152	0.0680				433	0.0108
			2151	0.1026				429/626	0.1944
			2150	0.0864				437	0.0216
			2147	0.1134				438	0.2106
			2166	0.0810				439	0.1836
			2167	0.1546				462	0.0054
			2171	0.3780				460	0.2376
			2185	0.1944				459	0.1080
			2202	0.2106				461	0.0972
			2196	0.0054				526	0.1512
			2204	0.0216				527	0.0648
			2205	0.2484				565	0.0020
			2217	0.0162				564	0.1026
			2213	0.0594				561	0.0972
			2223	0.2160				560	0.0364
			2224	0.1296				579	0.1674
			2230	0.1242				580	0.0125
			2227	0.1782				578	0.2322
			2237	0.1242				577	0.0756
			2238	0.0648				591	0.6224
			2249	0.1404				592	0.3348
			2247	0.1728				Total	3.5407
			2245	0.0648					
			2246	0.2376					
			2291	0.0216					
			2295	0.1188					
			2294	0.2626					
			2296	0.0820					
			2294/2	0.0108					

[F. No. L-14014/18/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 26 मई, 2006

क्र. अ. 2142.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पद्धतिहास (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 क्र. 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम

कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. सं. 1398(अ) एवं का.आ. सं. 1399(अ) तारीख 21-12-2004 प्रक्षेत्र उस अधिसूचना से संस्कृत अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा राजस्वका समझ में विजयपुर-कोटा एवं स्पर पाइपलाइनें द्वारा प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने अधिकार की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 30-3-2005 से 06-5-2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन विकास के सम्बन्ध में जनता से प्राप्त आशेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुन्नत कर दिया गया है;

और समाप्त प्रक्रियाएँ ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अन्तर्गत विविध सम्बन्ध के अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अयोक्ति है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त विविधों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना के संस्कृत अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें विकास के लिए विविध के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त विविधों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइनें विकास के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बाजाए, पाइपलाइनें विकास के लिए वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विविध सम्बन्धों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू	
				अर्जित करने के लिए विविध (हेक्टेक्टर में)	5
1	2	3	4	5	
बारां	अन्ता	पलसवा	71	0.1961	
			65	0.0046	
			योग	0.2007	
	तमखेडा		181	0.0144	
			योग	0.0144	

कोटा	दीमोद	बल्लभपुरा	126	0.1400
			136	0.1031
			183	0.0260
			186	0.1420
			198	0.1730
			योग	0.5841

[फा. सं. एल-14014/18/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 26th May, 2006

S.O. 2142.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 1398(E), S.O. No. 1399(E) dated 21-12-2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Vijaipur-Kota and Spur pipelines in the State of Rajasthan a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 30-3-2005 to 6-5-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited; proposing to lay the pipeline and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Baran	Anta	Palsava	71	0.1961
			65	0.0046
			Total	0.2007
		Tamakheda	181	0.0144
			Total	0.0144
Kota	Digod	Ballabhpura	126	0.1400
			136	0.1031
			183	0.0260
			186	0.1420
			198	0.1730
			Total	0.5841

[F. No. L-14014/18/05-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 30 मई, 2006

का. आ. 2143.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1141, तारीख 24 मार्च, 2006 को अधिक्रांत करते हुए सिवाए उन बातों के जो ऐसे अधिक्रमण से पूर्व की गई हैं, या जिन्हें करने का लोप किया गया है, श्री जे.डी. पटेल, विशेष भूमि अध्यापि अधिकारी को मैसर्स गेल (इण्डिया) लिमिटेड द्वारा गुजरात राज्य में पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्रधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया;

और उक्त श्री जे. डी. पटेल, विशेष भूमि अध्यापि अधिकारी को प्रतिस्थापित करके श्री एस. के. राठौर, विशेष भूमि अध्यापि अधिकारी को उनके पद पर नियुक्त किया गया है;

और उक्त श्री जे. डी. पटेल, विशेष भूमि अध्यापि अधिकारी की मैसर्स गेल (इण्डिया) लिमिटेड में अतिरिक्त कार्यभार समाप्त कर दिया गया है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की सूचना सं. का. आ. 1141, तारीख 24 मार्च, 2006 को अधिक्रांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री एस. के. राठौर, विशेष भूमि अध्यापि अधिकारी, प्रतिनियुक्ति पर मैसर्स गेल (इण्डिया) लिमिटेड, इच्छापुर, मेघदला रोड, पो. : ओ.एन.जी.सी., हजीरा, सूरत-394518 (गुजरात)	सम्पूर्ण गुजरात राज्य

[फा. सं. एल-14014/20/05-जी.पी.]

दीपक रत्नपाल, अबर सचिव

New Delhi, the 30th May, 2006

S.O. 2143.—Whereas, in pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government *vide* Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 1141 dated 24th March, 2006 appointed Shri J. D. Patel, Spl. Land Acquisition Officer to perform the functions of the competent authority under said Act for laying of the pipeline by M/s. GAIL (India) Limited in the state of Gujarat;

And, whereas, Shri J. D. Patel, Spl. Land Acquisition Officer has been replaced and Shri S. K. Rathod, Spl. Land Acquisition Officer has been posted as his incumbent;

And, whereas, the services of said Shri J. D. Patel, Spl. Land Acquisition Officer on additional charge of competent authority with M/s. GAIL (India) Limited has come to an end;

Now, therefore, in pursuance of clause (a) of section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas *vide* S. O. 1141 dated 24th March, 2006, the Central Government hereby authorises the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

SCHEDULE

Name and address of the person	Area of Jurisdiction
(1)	(2)
Shri S. K. Rathod, Spl. Land Acquisition Officer, on deputation to M/s. GAIL (India) Limited, Iccchapur, Meghdalla Road, P.O. ONGC, Hazira, Surat-394518 (Gujarat)	Whole State of the Gujarat.

[F. No. L-14014/20/05-G. P.]

DEEPAK RATTANPAL, Under Secy.

नई दिल्ली, 30 मई, 2006

का. अ. 2144.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड पूर्व में मैसर्स गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मैसर्स रिलायन्स इंडस्ट्रीज लिमिटेड के गोबा में उत्तरी / दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में, रायगड जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड द्वारा एक पाईपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाईपलाईन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावच्छ अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबच्छ है, उस तारीख से जिसको उक्त अधिनियम के अधीन जारी की गई अधिसूचना की प्रतियों साथारण जनता को उपलब्ध करा दी जाती है, इककीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री. एस. डी. भिसे, सक्षम प्राधिकारी, मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड, हरि नारायण कॉम्पेक्स, २ रा मजला, जुना डालडा डेपो, शिवाजी चौक, उल्लासनगर-४२९००३, जिला ठाणे महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तह स्तर: रोड़ा	जिला: रायगड़	राज्य: महाराष्ट्र	आर ओ यू अर्जित करने के लिए		
			हेक्टेर	एकर	चौ.मीटर
1	2	3	4	5	
1) पिंगोडे	गट नं. 11 और गोव सीमा के बीच में	00	08	36	
	11	00	03	73	
	10	00	36	81	
	12	00	00	53	
	13	00	00	33	
	5	00	11	88	
	18	00	05	16	
	4	00	02	78	
	3	00	10	92	
	19	00	05	00	
	2	00	13	38	
	27	00	46	82	
	26	00	02	82	
	31	00	51	41	
	38/ए	00	84	07	
	37	00	04	93	

1	2	3	4	5
2) वेलशेत	162/1	00	55	78
	164	00	08	10
	165	00	00	55
	179	00	44	90
	170	00	00	71
	172	00	06	48
	173	00	67	75
	222	00	33	51
	255	00	15	80
	271	00	13	90
	270	00	08	66
	269	00	05	07
	274/1	00	02	99
	276/1	00	00	82
	275/2	00	07	08
	278 गट नं. 278 और 277 के बीच में	00 00	04 06	16 51
	279	00	00	41
	277	00	01	12
	290	00	08	32
	293	00	12	14
	296	00	14	14
	295	00	01	13
	297	00	16	26
	302 गट नं. 302 और 306 के बीच में	00	29	02
	306	00	03	96
	305	00	07	27
	304	00	02	23
	312	00	01	71
	23	00	10	38
	313 गट नं. 312 और 310 के बीच में	00	07	02
	310	00	08	52
	310	00	01	35
	321 गट नं. 321 और गांव सीमा के बीच में	00	00	10
	321 गट नं. 321 और गांव सीमा के बीच में	00	05	63
	321 गट नं. 321 और गांव सीमा के बीच में	00	01	86
3) वरवठणे	गट नं. 31 के बीच में	00	07	13
	31	00	19	83
	27	00	00	13
	493	00	05	21

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : जून 3, 2006/ज्येष्ठ 13, 1928

1	2	3	4	5
3)वरदठणे (आगे जारी)	25/बी	00	06	81
	26	00	06	93
	24	00	00	21
	23	00	06	54
	21	00	01	11
	20	00	07	38
	19	00	06	15
	15	00	08	29
	8	00	07	38
	6	00	06	05
	5	00	09	13
	7	00	00	12
	3	00	01	23
	4	00	05	77
	65	00	03	99
	75 ए	00	09	32
	75 बी	00	00	10
	74	00	00	10
	77	00	06	74
	78	00	01	03
	79	00	11	82
	82	00	12	87
	81	00	04	52
	115	00	09	24
	118	00	08	81
	112	00	00	50
	120	00	07	89
	123	00	06	38
	122	00	05	90
	131	00	05	40
	124	00	04	99
	130	00	10	63
	152	00	20	70
	153	00	02	84
	171	00	22	02
	170	00	03	86
	169	00	19	93
	172	00	00	15
	183	00	10	55
	186	00	00	10
	185	00	01	80

1	2	3	4	5
3) वस्तुओं (ग्राम)	184	00	02	89
	194/ए	00	09	10
	196	00	00	10
	192	00	10	19
	193	00	08	76
	191	00	15	33
	269	00	29	98
	260	00	03	36
4) ग्रामीण	364/1	00	52	24
	375/1	00	86	68
	374	00	00	44
	373	00	16	42
	360	00	05	35
	वाट नं. 360 और 361 के बीच में	00	06	98
	361	00	05	87
	362	00	16	70
	363	00	00	89
	365	00	15	87
	368	00	00	10
	वाट नं. 365 और 362 के बीच में	00	05	89
	362	00	14	10
	361	00	08	01
	360	00	00	33
	वाट नं. 360 के बीच में	00	06	77
	367	00	04	16
	366	00	00	13
	368	00	14	09
	369	00	09	98
	362	00	06	10
	365	00	35	17
	364	00	18	71
5) वालसद	33	00	19	07
	32	00	00	72
	34	00	11	31
	36	00	13	90
	37	00	00	25
	38	00	25	82
	32	00	01	34
	33	00	08	28
	31	00	07	38
	30	00	02	29

1	2	3	4	5
5) बालसह (अमेर जारी)	87	00	00	10
	88	00	05	70
	गट नं. 88 के बीच मे	00	03	96
	88	00	00	37
	84	00	06	60
	गट नं. 84 के बीच मे	00	04	46
	83	00	01	77
	82	00	10	06
	81	00	36	14
	75	00	01	20
	79	00	00	10
	168	00	13	31
	165	00	25	33
	गट नं. 165 के बीच मे	00	02	54
	158	00	19	24
	141	00	04	01
	157	00	01	52
	156	00	06	29
	158	00	20	01
6) गोडसह	246	00	35	14
	248	00	19	15
	250	00	02	99
	253	00	01	93
	254	00	03	57
	29	00	21	53
	30	00	09	65
	28	00	00	10
	31	00	11	27
	26	00	00	69
	32	00	13	98
	20	00	01	72
	20 ए	00	08	62
	21	00	07	21
	17	00	13	09
	16	00	06	50
	गट नं.13 के बीच मे	00	05	10
	13	00	05	88
7) कानसह	51	00	00	37
	49	00	05	63
	47	00	20	23
	48	00	01	87
	46	00	05	32

1	2	3	4	5
7) कान्सई (आगे जारी)	44	00	02	48
	45	00	14	28
	43	00	08	53
	38	00	06	48
	39	00	18	36
	36	00	02	87
	गट नं. 39 और गोव सीमा के बीच में	00	12	87
8) ऐनघर	68	00	08	77
	69	00	16	71
	88	00	03	97
	87	00	00	10
	86	00	07	38
	82	00	09	46
	83	00	00	24
	81	00	09	03
	77	00	10	68
	78	00	06	48
	सर्वे नं. 78 और 96 के बीच में	00	18	33
	96	00	05	54
	गट नं. 96 और 72 के बीच में	00	00	86
	72	00	15	83
	71	00	19	76
	65	00	55	38
	63	00	12	05
	50	00	05	48
9) सुकेली	30	00	30	85
	29	00	10	41
	28	00	27	10
	265	00	01	49
	25	00	00	85
	269	00	00	77
	273	00	11	70
	गट नं. 273 और 15 के बीच में	00	29	15
	गट नं. 284 और 15 के बीच में	00	14	67
	गट नं. 284 और 21 के बीच में	00	02	25
	15	00	23	62
	14	00	00	18

1	2	3	4	5
9) पुकेली (आगे जारी)				
13	00	03	20	
12	00	18	25	
10	00	18	08	
7	00	11	25	
113	00	07	92	
110	00	08	72	
114	00	13	17	
109	00	05	98	
116	00	49	97	
107	00	17	53	
98	00	30	98	
99	00	11	12	
96	00	01	80	
गट नं. 96 और 98 के बीच मे	00	06	41	
गट नं. 98 और गोव सीमा के बीच मे	01	51	70	
10) नडवली				
गट नं. 388 और गोव सीमा के बीच मे	01	82	72	
338	00	07	13	
97	00	02	53	
103	00	00	48	
102	00	10	29	
115	00	08	86	
114	00	11	75	
113	00	10	23	
118	00	06	21	
121	00	08	84	
122	00	05	41	
125	00	05	32	
127	00	15	95	
गट नं. 126 के बीच मे	00	04	79	
144	00	06	46	
148	00	09	49	
151	00	06	16	
150	00	04	46	
152	00	05	93	
153	00	04	99	
157	00	03	67	
156	00	02	62	

1	2	3	4	5
10) नडवली (आगे जारी)	158	00	08	17
	161	00	12	26
	163	00	11	04
	162	00	00	52
	गट नं. 162 और 164 के बीच	00	09	23
	164	00	03	65
	165	00	02	04
	166ए	00	10	60
	168	00	04	47
	170	00	09	53
11) खांब	102	00	00	12
	106	00	04	18
	92	00	32	34
	गट नं. 106 और 105 के बीच में	00	01	29
	105	00	03	32
	104	00	00	29
	93	00	09	75
	90	00	01	15
	89	00	09	75
	65	00	10	98
	67	00	11	30
	68	00	04	03
	62	00	10	00
	61	00	02	51
	39	00	02	89
	60	00	09	92
	40	00	11	10
	गट नं. 40 और 34 के बीच में	00	01	88
	34	00	11	53
	33	00	08	88
	531	00	12	33
	533	00	08	55
	529	00	00	10
	534	00	09	28
	517	00	18	43
	518	00	00	26
	514	00	08	61

1	2	3	4	5
11) खांब (आगे जारी)	416	00	10	49
	114	00	11	36
	411	00	08	42
	410	00	12	36
	गट नं. 410 और 411 के बीच में	00	01	75
	409	00	10	32
12) गोदाम	106	00	15	84
	108	00	16	59
	६	00	11	35
	५/२	00	08	14
	17	00	07	61
	७	00	00	53
	गट नं. ७ और गाँव सीमा के बीच में	00	04	99
	५३	00	12	81
	14	00	04	30
13) मुठ्ठली खुक्क	40	00	12	43
	14	00	11	53
	45	00	12	39
	46	00	24	57
	47	00	17	09
	51	00	00	60
14) पुराँव	349	00	16	35
	288	00	13	76
	347	00	08	82
	गट नं. 347 और 346 के बीच में	00	01	10
	346	00	12	36
	343	00	03	85
	344	00	00	68
	345	00	20	10
	342	00	00	86
	300	00	11	02
	302	00	01	63
	299	00	04	58
	296	00	10	91
	287	00	09	37
	281/ए	00	03	01
	281/बी	00	11	59

1	2	3	4	5
14) पुरोंव (आगे जारी)				
251	00	22	25	
274	00	02	29	
254	00	13	02	
255	00	15	07	
193	00	00	24	
196	00	14	67	
194	00	09	60	
गट नं. 194 और 198 के बीच मे	00	04	55	
197	00	01	00	
198	00	25	83	
गट नं. 198 और 196 के बीच मे	00	03	21	
166	00	07	24	
165	00	07	01	
164	00	02	56	
168	00	04	51	
161	00	17	09	
169	00	08	87	
153	00	11	68	
150	00	04	47	
155	00	02	82	
148	00	02	12	
147	00	18	65	
गट नं. 147 और 134 के बीच मे	00	07	94	
134	00	08	37	
137	00	25	26	
141	00	08	01	
15) पुर्द				
143	00	04	49	
120	00	33	43	
119	00	00	87	
121	00	13	25	
137	00	01	56	
136	00	01	13	
123	00	08	50	
135	00	09	55	
130	00	21	77	
129	00	02	36	
131	00	00	26	

1	2	3	4	5
15) पुर्झ (आगे जारी)	128	00	09	77
	127	00	27	42
	गट नं. 127 और 31 के बीच मे	00	06	80
	30	00	00	10
	16	00	00	17
	31	00	20	54
	15	00	02	13
	14	00	02	39
	33	00	11	46
	34	00	10	67
	35	00	10	56
	38	00	32	57
	36	00	01	12
	42	00	24	03
	39	00	00	10
	41	00	00	33
	45	00	39	23
	49	00	00	10
	50	00	09	14
	गट नं. 50 और गोव सीमा के बीच मे	00	06	24
16) कोलाड	गट नं. 13 और गोव सीमा के बीच मे	00	05	56
	13	00	13	39
	14	00	19	30
	28	00	09	10
	22	00	01	13
	26	00	20	90
	25	00	20	28
	89	00	18	96
	93	00	04	06
	94	00	06	47
	152	00	01	24
	153	00	06	95
	154	00	11	48
	156	00	14	77
	171	00	05	62
	172	00	05	22
	173	00	05	82

1	2	3	4	5
18) विवरणी (आगे जारी)	282	00	.06	15
	284	00	17	87
	283	00	03	75
	275	00	05	18
	266	00	13	71
	257	00	00	17
	255	00	06	73
	254	00	07	12
	228	00	07	06
	230	00	01	70
	229	00	11	57
	224	00	16	81
	223	00	14	56
	222	00	15	42
	219	00	16	24
	179	00	05	14
	180	00	10	59
	176	00	05	99
	181	00	00	10
	174	00	26	41
	155	00	09	19
	156	00	04	37
	157	00	10	45
	148	00	01	68
	147	00	10	83
	146	00	01	81
	133	00	04	49
	134	00	16	22
	135	00	02	36
	131	00	08	14
	136	00	00	10
	121	00	18	62
	120	00	13	53
19) तिसे	334	00	14	48
	338	00	34	30
	गट नं. 338 और 313 के बीच मे	00	01	70
	312	00	10	60

1	2	3	4	5
19) तिसे (आगे जारी)	313	00	12	48
	296	00	11	38
	297	00	02	24
	298	00	09	78
	299	00	08	22
	300	00	08	09
	301	00	25	03
	291	00	03	92
	288	00	18	40
	287	00	09	71
	250	00	00	53
	गट नं. 272 के बीच मे	00	02	14
	272	00	02	75
	251	00	02	07
	286	00	09	23
	285	00	04	62
	252	00	02	18
	254	00	06	79
	253	00	03	00
	255	00	07	78
	256	00	06	26
	257	00	09	19
	235	00	16	32
	236	00	04	55
	237	00	04	66
	184	00	07	89
	225	00	07	18
	226	00	02	88
	223	00	09	36
	211	00	00	10
	185	00	16	25
	186	00	15	39
	210	00	00	10
	187	00	04	99

1	2	3	4	5
तहसिल: महाड	ज़िला: रायगढ़		राज्य: महाराष्ट्र	
1) टोल बुदुक	340	00	14	89
	गट नं. 340 के बीच मे	00	02	33
	332	00	18	43
	333	00	01	07
	671	00	11	90
	338	00	00	48
	334	00	08	55
	336	00	05	30
	335	00	07	34
	326	00	12	84
	325	00	01	56
	324	00	05	43
	323	00	03	57
	321	00	05	40
	317	00	15	96
	272	00	01	42
	273	00	07	73
	212	00	03	42
	213	00	05	04
	214	00	00	10
	276	00	00	12
	211	00	10	04
	210	00	02	48
	206	00	00	39
	207	00	02	18
	209	00	03	15
	114	00	00	99
	208	00	02	51
	115	00	06	51
	399	00	03	68
	74	00	04	27
	73	00	07	21
	77	00	01	06
	70	00	02	07
	69	00	12	34
	68	00	05	79

1	2	3	4	5
1) टोल बुद्धक (आगे जारी)	66	00	01	57
	64	00	06	60
	43	00	03	55
	349	00	01	57
	779	00	01	58
	59	00	06	45
	58	00	01	64
	56	00	06	87
	60	00	00	10
	54	00	08	32
	883	00	12	40
	882	00	08	87
	881	00	08	65
	859	00	07	86
	678	00	03	43
	676	00	03	20
	677	00	04	58
	679	00	06	53
	673	00	00	84
	880	00	09	40
	644	00	01	57
	669	00	04	71
	668	00	05	44
	667	00	05	27
	666	00	04	39
	648	00	00	51
	654	00	13	54
	655	00	00	10
	607	00	00	15
	653	00	08	85
	608	00	19	26
	612	00	00	32
	609	00	00	75
	611	00	01	77
	605	00	08	24
	606	00	03	98
	603	00	10	04

1	2	3	4	5
1) टोल बुद्धक (आगे जारी)	891	00	00	41
	599	00	02	09
	601	00	04	66
	602	00	14	14
	592	00	02	89
	588	00	20	19
	589	00	12	81
	591	00	00	10
	गट नं. 588 के बीच मे	00	02	90
	513	00	16	45
	512	00	09	28
	511	00	00	10
	516	00	00	20
	517	00	01	74
	509	00	04	59
	893	00	01	18
	518	00	00	46
	519	00	00	10
	508	00	12	18
	522	00	00	31
	523	00	04	15
	524	00	01	90
	525	00	00	94
	526	00	06	82
	579	00	10	67
	528	00	00	10
	530	00	00	10
	531	00	00	10
	532	00	15	33
	533	00	13	12
	534	00	11	96
	563	00	12	67
	561	00	01	40
	562	00	26	22
	556	00	00	72
	536	00	43	37
	555	00	01	97

1	2	3	4	5
1) टोक बुद्धक (आगे जारी)	554	00	02	85
	550	00	15	26
	551	00	03	28
	552	00	00	16
2) सापे तक गोविले	698	00	08	02
	692	00	02	51
	697	00	06	69
	694	00	02	75
	695	00	04	28
	गट नं.695 के बीच मे	00	03	14
	696	00	00	48
	438	00	03	84
	440	00	03	24
	437	00	01	15
	442	00	03	45
	430	00	05	75
	426	00	05	35
	433	00	00	10
	427	00	03	49
	447	00	02	66
	449	00	03	57
	421	00	08	35
	452	00	04	86
	453	00	00	10
	454	00	00	99
	420	00	01	54
	456	00	04	22
	419	00	04	39
	418	00	01	95
	417	00	08	70
	416	00	06	00
	409	00	05	51
	412	00	16	38
	415	00	05	53
	379	00	00	59
	गांव सीमा और गट नं.406 के बीच मे	00	37	66
3) जुहै बुद्धक	गांव सीमा और गट नं.70 के बीच मे	00	90	09

1	2	3	4	5
3) जुई बुद्धक (आगे जारी),	117	00	06	86
	116	00	07	16
	70	00	24	57
	61/6	00	04	43
	61	00	14	31
	61/8	00	00	10
	61/11	00	05	71
	45/4	00	12	12
	45/3	00	00	99
	54/3	00	23	53
	57/4	00	00	10
	57/5	00	00	90
	57/6	00	13	46
	गट नं. 57/6 और 31/1 के बीच में	00	10	19
	31/1	00	01	80
	31	00	24	61
	32/1	00	03	01
	31/2	00	05	89
	32/3	00	00	59
	23	00	27	41
	30	00	08	61
	गट नं. 23/6 और 92 के बीच में	00	01	19
	92/1	00	07	25
	92/2	00	06	27
	93	00	00	55
	गट नं. 93 और 19/1 के बीच में	00	02	07
	14/2	00	00	11
	19/1	00	06	87
	19/3	00	07	30
	19/4	00	06	10
	15	00	12	58
	16/1	00	22	56
	16/2	00	03	62
	10/7	00	03	85
	10	00	04	96
	10/11	00	06	53
	23/8	00	00	25

1	2	3	4	5
4) सोनघर	गैंव सीमा और गट नं. 17 के बीच में	00	02	76
	17/3+1+2+3+4	00	10	63
	18/4ए	00	01	52
	18/4बी	00	14	99
	18/4ब	00	01	55
	18/4क	00	00	13
	19/1ए	00	00	78
	19/1ब	00	00	51
	19/2ए	00	06	46
	19/3ए	00	06	53
	19/3सी	00	03	60
	19/4	00	03	20
	20	00	19	01
	23	00	79	08
	32	00	53	02
	44	00	16	10
	29/2	00	25	05
	29/3	00	03	77
	27	00	03	89
	27/6	00	06	85
	28	00	08	43
	30/1	00	05	24
	30/3	00	13	13
	30	00	21	80
	31	00	56	34
5) वलंग	43	00	76	21
	43/3	00	00	50
6) खैर	46	01	61	64
	18/1	00	50	61
	17	00	02	76
	27/5	00	01	00
7) अदीस्ते	25	00	75	38
	31	00	77	13
	28	00	06	25
	35	01	07	85
	39/11	00	10	55
	39/3	00	00	99

1	2	3	4	5
7) अदीस्ते (आगे जारी)	39/12	00	06	86
	39/8	00	02	43
	39/13	00	09	20
	39/18	00	17	01
	39/17	00	09	94
	39/27	00	06	79
	39/26	00	18	63

[फा. सं. एल-14014/15/2006-जी.पी.]

दीपक रतनपाल, अवर सचिव

New Delhi, the 30th May, 2006

S. O. 2144.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/ Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the Promoter company of M/s Reliance Gas Pipelines Limited, formerly known as M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Raigad in the State of Maharashtra, a pipeline should be laid by M/s Reliance Gas Pipelines Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto; .

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Shri. S. D. Bhise, Competent Authority, Reliance Gas Pipelines Limited, Hari Narayan Complex, 2nd Floor, Old Dalda Depo, Shivaji Chowk, Furniture Market, Ulhasnagar-421003, Dist Thane, Maharashtra State.

Schedule

Tehsil: ROHA		District: Raigad	State : Maharashtra		
Village	Survey\ Sub-division No.	Area to be acquired by RCL			
1	2	Hect.	Are	C-Are	
1) Pingode	In Bet.V.B. & Svy.No. 11	00	08	36	
	11	00	03	73	
	10	00	36	81	
	12	00	00	53	
	13	00	00	33	
	5	00	11	88	
	18	00	05	16	
	4	00	02	78	
	3	00	10	92	
	19	00	05	00	
	2	00	13	38	
	27	00	46	82	
	26	00	02	82	
	31	00	51	41	
	38A	00	84	07	
	37	00	04	93	
2) Velshet	162\1	00	55	78	
	164	00	08	10	
	165	00	00	55	
	179	00	44	90	
	170	00	00	71	
	172	00	06	48	
	173	00	67	75	
	222	00	33	51	
	255	00	15	80	
	271	00	13	90	
	270	00	08	66	
	269	00	05	07	
	274\1	00	02	99	
	276\1	00	00	82	
	276\2	00	07	08	
	278	00	04	18	
	In Bet.Svy. No. 278 & 277	00	08	51	
	279	00	00	41	

1	2	3	4	5
2) Veishet (Cont....)				
277	00	01	12	
290	00	08	32	
293	00	12	14	
296	00	14	14	
295	00	01	13	
297	00	16	26	
302	00	29	02	
In Bet.Svy. No. 302&306	00	03	96	
306	00	07	27	
305	00	02	23	
304	00	01	71	
312	00	10	38	
23	00	07	02	
313	00	08	52	
In Bet.Svy. No. 312 & 310	00	01	35	
310	00	00	10	
321	00	05	63	
In Bet.Svy. No. 321& V.B	00	01	86	
3) Varavatane				
In Bet.Svy. No. 31	00	07	13	
31	00	19	83	
27	00	00	13	
493	00	05	21	
251B	00	06	81	
26	00	06	93	
24	00	00	21	
23	00	06	54	
21	00	01	11	
20	00	07	38	
19	00	06	15	
15	00	08	29	
8	00	07	38	
6	00	06	05	
5	00	09	13	
7	00	00	12	
3	00	01	23	
4	00	05	77	
65	00	03	99	

1	2	3	4	5
3) Varavtane (Cont....)	75A	00	09	32
	75B	00	00	10
	74	00	00	10
	77	00	06	74
	78	00	01	03
	79	00	11	82
	82	00	12	87
	81	00	04	52
	115	00	09	24
	118	00	08	81
	112	00	00	50
	120	00	07	89
	123	00	06	38
	122	00	05	90
	131	00	05	40
	124	00	04	99
	130	00	10	63
	152	00	20	70
	153	00	02	84
	171	00	22	02
	170	00	03	86
	169	00	19	93
	172	00	00	15
	163	00	10	55
	186	00	00	10
	185	00	01	80
	184	00	02	89
	194A	00	09	10
	196	00	00	10
	192	00	10	19
	193	00	08	76
	191	00	15	33
	259	00	29	98
	280	00	03	35
4)Vangani	4041	00	52	24
	3761	00	86	68
	374	00	00	44

1	2	3	4	5
4)Vengani (Cont....)	373	00	16	42
	360	00	05	35
	In Bet.Svy. No. 360 & 361	00	06	98
	361	00	05	87
	362	00	16	70
	363	00	00	89
	365	00	15	87
	303	00	00	10
	In Bet.Svy. No. 365 & 302	00	06	89
	302	00	14	10
	301	00	08	01
	300	00	00	33
	In Bet.Svy. No. 300	00	05	77
	287	00	01	16
	286	00	00	13
	288	00	11	09
	289	00	09	98
	292	00	06	10
	295	00	35	17
	294	00	18	71
5) Balasai	33	00	19	07
	32	00	00	72
	34	00	11	31
	36	00	13	90
	37	00	00	25
	38	00	25	82
	92	00	01	34
	93	00	08	28
	91	00	07	38
	90	00	02	29
	87	00	00	10
	86	00	05	70
	In Bet.Svy. No. 86	00	03	69
	88	00	00	37
	84	00	06	60
	In Bet.Svy. No. 84	00	04	46
	83	00	01	77

1	2	3	4	5
5) Balasai (Cont....)	82	00	10	06
	81	00	36	14
	75	00	01	20
	79	00	00	10
	166	00	13	31
	165	00	25	33
	In Bet.Svy. No. 165	00	02	54
	155	00	19	24
	141	00	04	01
	157	00	01	52
	156	00	06	29
	158	00	20	01
6) Godsai	246	00	35	14
	248	00	19	15
	250	00	02	99
	253	00	01	93
	254	00	03	57
	29	00	21	53
	30	00	09	65
	28	00	00	10
	31	00	11	27
	26	00	00	69
	32	00	13	96
	20	00	01	72
	20A	00	08	82
	21	00	07	21
	17	00	13	09
	18	00	06	50
	In Bet Svy. No.13	00	05	86
	13	00	05	10
7) Kanasai	51	00	00	37
	49	00	05	63
	In Bet Svy. No.47	00	11	88
	47	00	08	35
	48	00	01	87
	46	00	05	32
	44	00	02	48

1	2	3	4	5
7) Kanasal (Cont....)	45	00	14	28
	43	00	08	53
	38	00	06	48
	39	00	18	36
	36	00	02	87
	In Bet.Svy.No.39 V.B	00	12	87
8) Yenghar	68	00	08	77
	69	00	16	71
	88	00	03	97
	87	00	00	10
	86	00	07	38
	82	00	09	46
	83	00	00	24
	81	00	09	03
	77	00	10	68
	78	00	06	48
	In Bet Svy. No.78 & 96	00	18	33
	96	00	05	54
	In Bet.Svy. No. 96 & 72	00	00	86
	72	00	15	83
	71	00	19	76
	65	00	55	38
	63	00	12	05
	50	00	05	48
9) Sukell	30	00	28	74
	In Bet Svy. No.30	00	02	11
	29	00	10	41
	28	00	24	13
	In Bet Svy. No.28	00	02	97
	265	00	01	49
	25	00	00	85
	269	00	00	77
	273	00	11	70
	In Bet Svy. No.273 & 15	00	29	15
	In Bet Svy. No.284 & 15	00	14	67
	In Bet Svy. No.284 & 21	00	02	25
	15	00	23	62

1	2	3	4	5
9) Sukell (cont...)	14	00	00	18
	13	00	03	20
	12	00	18	25
	10	00	18	08
	7	00	11	25
	113	00	07	92
	110	00	08	72
	114	00	13	17
	109	00	05	98
	116	00	49	97
	107	00	17	53
	98	00	30	98
	99	00	07	82
	In Bet Svy. No.99	00	03	50
	96	00	01	80
	In Bet Svy. No.96 & 98	00	06	41
	In Bet Svy. No.98 & V.B.	01	51	70
10) Nadavall	In Bet Svy. No.388 & V.B.	01	82	72
	338	00	07	13
	97	00	02	53
	103	00	00	48
	102	00	10	29
	115	00	08	86
	114	00	11	75
	113	00	10	23
	118	00	06	21
	121	00	08	84
	122	00	05	41
	125	00	05	32
	127	00	15	95
	In Bet Svy. No.128	00	04	79
	144	00	06	46
	148	00	09	49
	151	00	06	16
	150	00	04	46
	152	00	05	93
	153	00	04	99

1	2	3	4	5
10) Nedavall (Cont...)	167	00	03	67
	168	00	02	62
	168	00	08	17
	161	00	12	26
	163	00	11	04
	162	00	00	52
	In Bet Svy. No.162 & 164	00	09	23
	164	00	03	65
	165	00	02	04
	166A	00	10	60
	168	00	04	47
	170	00	09	53
11) Khamb	102	00	00	12
	103	00	04	18
	92	00	32	34
	In Bet Svy. No.106 & 105	00	01	29
	105	00	03	32
	104	00	00	29
	93	00	08	75
	90	00	01	15
	89	00	08	15
	85	00	10	99
	87	00	11	30
	88	00	04	03
	82	00	10	00
	61	00	02	51
	39	00	02	69
	60	00	09	92
	40	00	11	16
	In Bet Svy. No.40&34	00	01	66
	34	00	11	53
	33	00	08	88
	531	00	12	33
	533	00	08	55
	529	00	00	10
	534	00	09	28
	517	00	18	43

1	2	3	4	5
11) Khamb (Cont...)	518	00	00	26
	514	00	08	61
	418	00	10	49
	114	00	11	36
	411	00	08	42
	410	00	12	36
	In Bet Svy. No. 410 & 411	00	01	75
	409	00	10	32
12) Shiravali	106	00	15	84
	108	00	16	59
	6	00	11	35
	512	00	08	14
	17	00	07	61
	7	00	00	53
	In Bet Svy. No.7 & V.B	00	04	99
	16	00	12	61
	14	00	04	30
13) Muthavali BK	40	00	12	43
	14	00	11	53
	45	00	12	39
	46	00	24	57
	47	00	17	09
	51	00	00	60
14) Pugaon	349	00	16	35
	288	00	13	76
	347	00	08	82
	In Bet Svy. No.347 & 346	00	01	10
	346	00	12	36
	343	00	03	65
	344	00	00	68
	345	00	20	10
	342	00	00	86
	300	00	11	02
	302	00	01	63
	299	00	04	58
	296	00	10	91
	297	00	09	37

1	2	3	4	5
14) Pugason (cont...)	281/A	00	03	01
	281/B	00	11	59
	251	00	22	25
	274	00	02	29
	254	00	13	02
	255	00	15	07
	193	00	00	24
	198	00	14	67
	194	00	09	60
	In Bet Svy. No.194 &198	00	04	55
	197	00	01	00
	198	00	25	83
	In Bet Svy. No.198 &196	00	03	21
	186	00	07	24
	185	00	07	01
	184	00	02	56
	188	00	04	51
	181	00	17	09
	169	00	08	87
	153	00	11	68
	150	00	04	47
	155	00	02	82
	148	00	02	12
	147	00	18	85
	In Bet Svy. No.147 & 134	00	07	94
	134	00	08	37
	137	00	25	26
	141	00	08	01
15) Pul	143	00	04	49
	120	00	33	43
	119	00	00	87
	121	00	13	25
	137	00	01	56
	136	00	01	13
	123	00	08	60
	135	00	09	66
	130	00	21	77

1	2	3	4	5
15) Pul (cont...)	129	00	02	36
	131	00	00	26
	128	00	09	77
	127	00	27	42
	In Bet Svy. No.127 & 31	00	06	50
	30	00	00	10
	18	00	00	17
	31	00	20	54
	15	00	02	13
	14	00	02	35
	33	00	11	46
	34	00	10	67
	35	00	04	64
	In Bet Svy. No.35	00	05	92
	38	00	32	57
	36	00	01	12
	42	00	20	81
	In Bet Svy. No.42	00	03	22
	39	00	00	10
	41	00	00	33
	45	00	39	23
	49	00	00	10
	50	00	08	14
	In Bet Svy. No.50 & V.B	00	06	24
16) Kolad	In Bet Svy. No.13 & V.B	00	05	56
	13	00	13	39
	14	00	19	30
	28	00	09	10
	22	00	01	13
	26	00	20	90
	26	00	20	28
	89	00	18	96
	93	00	04	06
	94	00	06	47
	152	00	01	24
	153	00	08	95
	154	00	11	48

1	2	3	4	5
160	00	14	77	
171	00	05	52	
172	00	05	22	
173	00	05	32	
174	00	06	16	
204	00	10	58	
208	00	10	08	
205	00	01	58	
207	00	11	38	
208	00	01	28	
214	00	11	28	
230	00	02	77	
215	00	00	23	
234	00	29	99	
244	00	00	24	
242	00	10	53	
243	00	10	28	
241	00	14	28	
247	00	00	16	
240	00	05	13	
In Bet Svy. No.240 & V.B	00	03	67	
111B/C	00	05	52	
178	00	04	25	
181	00	07	11	
186	00	07	30	
224	00	18	75	
223	00	17	31	
228	00	00	25	
229	00	02	32	
In Bet Svy. No.229 & 283	00	02	83	
283	00	06	46	
286	00	05	47	
287	00	04	03	
282	00	02	17	
288	00	07	13	
291	00	05	65	
290	00	04	22	

1	2	3	4	5
17) Varasgaon (Cont....)	In Bet Svy. No.291 & 290	00	12	44
18) Chinchawali	286	00	25	38
	in Svy. No.285 & V.B	00	01	60
	287	00	00	10
	282	00	06	16
	284	00	17	87
	283	00	03	75
	275	00	05	18
	256	00	13	71
	257	00	00	17
	255	00	06	73
	254	00	07	12
	228	00	07	06
	230	00	01	70
	229	00	11	57
	224	00	16	81
	223	00	14	56
	222	00	15	42
	219	00	16	24
	179	00	05	14
	180	00	10	59
	176	00	05	99
	181	00	00	10
	174	00	26	41
	155	00	09	19
	156	00	04	37
	157	00	10	45
	148	00	01	68
	147	00	10	83
	146	00	01	81
	133	00	04	49
	134	00	16	22
	135	00	02	36
	131	00	08	14
	136	00	00	10
	121	00	18	82
	120	00	13	53.

1	2	3	4	5
19) Tise	334	00	14	48
	338	00	34	30
	In Bet Svy. No.338 & 313	00	01	70
	312	00	10	60
	313	00	12	48
	296	00	11	38
	297	00	02	24
	298	00	09	78
	299	00	08	22
	300	00	08	09
	301	00	25	03
	291	00	03	92
	288	00	18	40
	287	00	09	71
	250	00	00	53
	In Svy. No.272	00	02	14
	272	00	02	75
	251	00	02	07
	286	00	09	23
	285	00	04	62
	252	00	02	18
	254	00	06	79
	253	00	03	00
	255	00	07	78
	256	00	06	26
	257	00	09	19
	235	00	16	32
	236	00	04	55
	237	00	04	66
	184	00	07	89
	225	00	07	18
	226	00	02	88
	223	00	09	36
	211	00	00	10
	185	00	16	25
	186	00	15	39
	210	00	00	10

1	2	3	4	5
19) Tise (contd.)	187	00	04	99
Tehsil: MAMAR	District: Raigad	State : Maharashtra		
1) Tol Budruk	340	00	14	89
	In Svy.No.340.	00	02	33
	332	00	18	42
	333	00	01	07
	671	00	11	90
	338	00	00	48
	334	00	08	55
	336	00	05	30
	335	00	07	34
	329	00	12	84
	326	00	01	56
	324	00	05	43
	323	00	03	57
	321	00	05	40
	317	00	15	96
	272	00	01	42
	273	00	07	73
	212	00	03	42
	213	00	05	04
	214	00	00	10
	270	00	00	12
	211	00	10	04
	210	00	02	48
	209	00	00	39
	207	00	02	18
	208	00	03	15
	114	00	00	99
	206	00	02	51
	115	00	06	51
	395	00	03	68
	74	00	04	27
	73	00	07	21
	77	00	01	06
	70	00	02	07
	69	00	12	34

1	2	3	4	5
1) Total Students (Contd....)	68	00	05	79
	66	00	01	57
	64	00	06	60
	43	00	03	55
	349	00	01	57
	779	00	01	58
	59	00	06	46
	58	00	01	64
	56	00	06	87
	60	00	00	10
	54	00	08	32
	883	00	12	40
	882	00	08	87
	881	00	08	65
	859	00	07	86
	678	00	03	43
	676	00	03	20
	677	00	04	58
	679	00	06	53
	673	00	00	84
	680	00	09	40
	644	00	01	57
	669	00	04	71
	668	00	05	44
	667	00	05	27
	666	00	04	39
	648	00	00	51
	654	00	13	54
	655	00	00	10
	607	00	00	15
	653	00	08	85
	608	00	19	26
	612	00	00	32
	609	00	00	75
	611	00	01	77
	605	00	08	24
	606	00	03	98

1	2	3	4	5
1) Tol Budruk (Contd....)	603	00	10	04
	891	00	00	41
	599	00	02	09
	601	00	04	66
	602	00	14	14
	592	00	02	89
	588	00	20	19
	589	00	12	61
	591	00	00	10
	In Svy.No.588	00	02	90
	513	00	16	45
	512	00	09	28
	511	00	00	10
	516	00	00	20
	517	00	01	74
	509	00	04	59
	893	00	01	18
	518	00	00	46
	519	00	00	10
	508	00	12	18
	522	00	00	31
	523	00	04	15
	524	00	01	90
	525	00	00	94
	526	00	06	82
	579	00	10	67
	528	00	00	10
	530	00	00	10
	531	00	00	10
	532	00	15	33
	533	00	13	12
	534	00	11	96
	563	00	12	67
	561	00	01	40
	562	00	26	22
	566	00	00	72
	536	00	43	37

1	2	3	4	5
1)	Tot. Budruk (Contd....)	655	00	01
		554	00	02
		560	00	15
		551	00	03
		552	00	00
				18
2)	Sape	698	00	08
		692	00	02
		697	00	06
		694	00	02
		695	00	04
		In Svy.No.695	00	03
		696	00	00
		438	00	03
		440	00	03
		437	00	01
		442	00	03
		430	00	05
		428	00	05
		433	00	00
		427	00	03
		447	00	02
		449	00	03
		421	00	08
		452	00	04
		453	00	00
		454	00	00
		420	00	01
		456	00	04
		419	00	04
		418	00	01
		417	00	08
		416	00	06
		409	00	05
		412	00	18
		415	00	05
		379	00	00
		In Bet.Svy. No 406 & V.B	00	37
				68

1	2	3	4	5
3) JuI-Budruk	In.Svy.No.70 & V.B	00	90	09
117		00	06	86
116		00	07	16
70		00	24	57
616		00	04	43
61		00	14	31
618		00	00	10
6111		00	05	71
454		00	12	12
453		00	00	99
543		00	23	53
574		00	00	10
575		00	00	90
576		00	13	46
In.Bet.Svy No.576 & 3111		00	10	19
3111		00	01	80
31		00	24	61
3211		00	03	01
312		00	05	89
323		00	00	69
23		00	27	41
30		00	08	61
In.Bet.Svy No.236 & 92		00	01	19
9211		00	07	25
9212		00	06	27
93		00	00	66
In.Bet.Svy No.93&1911		00	02	07
142		00	00	11
1911		00	06	87
1913		00	07	30
1914		00	06	10
15		00	12	58
1611		00	22	58
1612		00	03	62
1017		00	03	85
10		00	04	96
10111		00	06	53

1	2	3	4	5
3) Jul-Budruk (Contd...)	238	00	00	25
4) Songher	In.Bet.Svy No.17 & V.B	00	02	76
	17/3+1+2+3+4	00	10	63
	18\1A	00	01	52
	18\1B	00	14	99
	18\1C	00	01	55
	18\1D	00	00	13
	19\1A	00	00	78
	19\1B	00	00	51
	19\1C	00	06	46
	19\1D	00	06	53
	19\2A	00	03	60
	19\2B	00	03	20
	19\2C	00	19	01
	20	00	79	06
	23	00	53	02
	32	00	16	10
	44	00	25	05
	29\2	00	03	77
	29\3	00	03	89
	27	00	08	85
	27\6	00	05	43
	28	00	13	13
	30\1	00	21	60
	30\3	00	58	34
5) Valang	43	00	76	21
	43\3	00	00	50
6) Khaire	46\1C	01	45	26
	18\1	00	50	61
	46\1B	00	25	84
	17	00	02	76
	46\2	00	30	94
	46\3	00	06	22
	46\4	00	02	49
	46\5A	00	31	08
	46\9	00	19	81

1	2	3	4	5
6) Khair (Cont...)	27\5	00	01	00
7) Adiste	25	00	75	38
	31	00	77	13
	28	00	06	25
	35	01	07	85
	39\11	00	10	55
	39\3	00	00	99
	39\12	00	06	86
	39\8	00	02	43
	39\13	00	09	20
	39\16	00	17	01
	39\17	00	08	94
	39\27	00	08	79
	39\26	00	18	63

Bet. = Between; Sry = Survey; V.B. = Village Boundary; Hect. = Hectare

[F. No. L-14014/15/2006-G.P.]
DEEPAK RATTANPAL, Under Secy.

नई दिल्ली, 30 मई, 2006

का. आ. 2145.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड पूर्व में मैसर्स गैस ट्रान्सपोर्टेशन एंड इम्प्रास्ट्रॉवर कंपनी लिमिटेड की संप्रवर्तक कंपनी मैसर्स रिलायन्स इंडस्ट्रीज लिमिटेड के गोदा में उत्तरी / दक्षिणी अपलट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में, रायगड जिले के विभिन्न उपरोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड द्वारा एक पाईपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाईपलाईन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबृद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबृद्ध है, उस तारीख से जिसको उक्त अधिनियम के अधीन जारी की गई अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री. एस. डी. भिसे, सक्षम प्राथिकारी, मैसर्स रिलायन्स गैस पाईपलाईन लिमिटेड, हरि नारायण कॉम्प्लेक्स, 2 रा मजला, जुना डालडा डेपो, शिवाजी द्वीप, उल्हासनगर-४२९००३, जिला ठाणे महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसुची

तहसिल: माणगांव	गांव का नाम	गट नं./सब डिव्हीजन नं.	राज्य: महाराष्ट्र		
			अर ओ यू अर्जित करने के लिए श्रेत्रफल		
			हेक्टर	एर	सी-एर
1	2	3	4	5	
1) घोटवल	98		00	00	10
	97		00	06	16
	94		00	02	71
	100		00	13	31
	99		00	02	68
	101		00	15	49
	102		00	08	78
	119		00	07	36
	118		00	09	01
	109		00	06	00
	111		00	06	27
	116		00	15	53
	128		00	08	62
	129		00	01	16
	127		00	04	66
	131		00	06	25
	132		00	01	09
	148		00	06	48
	130		00	05	71
	149		00	05	74
	283		00	03.	30
	284		00	07	54
	286		00	10	89
	279		00	10	43
	288		00	11	31
	278		00	02	54
	277		00	19	59
	275		00	00	10
	276		00	14	90
2) रातवड	219		00	01	63
	216		0	17	51
	217		0	00	85

1	2	3	4	5
2) रातवड (आगे जारी)	218	00	27	12
	204	00	53	28
	193	00	02	08
	205	00	48	85
	241	00	01	13
	240	00	31	55
	143	00	06	63
	242	00	45	03
	332	00	27	11
3) निलाज	355	01	27	93
	290	00	17	18
	301	00	05	91
	308	00	26	32
	309	00	11	01
	316	00	00	10
	318	00	00	10
	319	00	09	03
	327	00	00	11
	337	00	04	84
	338	00	24	96
	345	00	13	34
	348	00	05	35
	349	00	07	21
	208	00	27	69
4) पोटनेर	533	00	47	01
	541	00	16	91
	540	00	14	09
	गट नं. 540 और 539 के बीच से	00	00	83
	539	00	12	42
	545	00	03	40
	538	00	05	26
	546	00	04	62
	547	00	35	81
	549	00	02	62
	550	00	11	09
	551	00	09	36
	548	00	00	14

1	2	3	4	5
4) पोटनेर (आगे जारी)	553	00	11	62
	552	00	02	11
5) रुद्रवली	243	00	41	45
	गट नं. 243 और 237 के बीच मे	00	07	39
	237	00	10	79
	239	00	02	24
	240	00	16	17
	170	00	07	08
	169	00	13	62
	168	00	05	29
	167	00	14	72
	249	00	02	55
	250	00	08	00
	247	00	00	10
	248	00	11	19
	252	00	02	62
6) वाडवण	21	00	03	85
	24	00	07	00
	25	00	02	69
	23	00	04	47
	22	00	00	10
	20	00	02	96
	26	00	08	38
	27	00	10	06
	2	00	08	80
	1	00	01	27
	4	00	01	42
	6	00	00	10
	5	00	04	16
	7	00	00	10
	8	00	12	09
	334	00	12	09
7) पानसह	166	00	20	70
	130	00	04	78
	131	00	23	37
	168	00	01	08
	165	00	16	93

1	2	3	4	5
7) पानसई (आगे जारी)	129	00	01	77
	128 / 1ए	00	16	44
	128 / 2	00	03	61
	127 / 1बी	00	16	16
	160	00	03	62
	120	00	00	19
	119	00	05	76
	123	00	28	58
	122	00	18	69
	96	00	28	87
	95	00	21	30
	81	00	10	57
	82	00	01	33
	83 / 1ए	00	11	24
	83 / 1सी	00	03	27
	84	00	14	26
	88 / 2	00	00	54
	84 / 3	00	00	51
	86	00	40	47
	230	00	10	59
	72 / 1	00	02	70
	72 / 2	00	01	41
	72	00	00	73
	156	00	26	76
	223	00	03	52
8) कलवण	171	00	07	37
	91	0	22	56
	91 / 1ए	00	22	06
	90 / 1बी	00	10	53
	88 / 1 / 1	00	00	87
	88 / 1 / 2	00	15	38
	88 / 1 / 3	00	16	83
	88 / 2 / 1	00	02	25
	87	00	11	95
	88	00	26	12
	82	00	52	27
	168	00	12	76

1	2	3	4	5
8) कलवण (आगे जारी)	78	00	00	27
	77	00	09	17
	162	0	05	68
	74	00	41	06
	75	00	06	42
	26/1	00	08	41
	29/5	00	05	87
	6/6	00	05	64
	26/7	00	16	57
	26/6	00	11	26
	26/9/(ए)	00	02	61
	26/10	00	02	97
	26/11	00	02	72
9) ढकणे	141/1	00	15	92
	86ए	00	25	38
	86	00	03	31
	गट नं. 83 और 84 के बीच मे	00	09	62
	84/2/4	00	08	51
	84/2/5	00	00	92
	84/2/9	00	06	52
	84/2/10	00	05	44
	82/2/11	00	09	89
	84/2/12	00	11	90
	83	00	01	98
	69	00	06	20
	69/8	00	07	81
	69/9	00	03	82
	68	00	17	28
	67/4ए	00	12	13
	66/9	00	06	03
	66/10	00	01	90
	85/1	00	00	45
	65/2	00	00	84
	65/3	00	06	66
	65/4	00	04	38
	65/5	00	04	01
	65/8	00	01	26

1	2	3	4	5
9) ढकणे (आगे जारी)	65/9	00	07	25
	64/4	00	00	10
	64/5	00	06	45
	64/6/डी	00	05	10
	62	00	02	65
	63	00	15	80
	47/5	00	00	79
	47/6+11	00	06	62
	47/7	00	02	92
	47/8	00	03	51
	45/8	00	00	72
	45/9	00	13	24
	45/10	00	00	49
	45/15	00	04	45
	45/16	00	04	75
	135/5	00	06	97
	135/6	00	00	83
	135/7	00	06	04
	125/13+19	00	01	97
	125/14	00	05	31
	125/15	00	00	28
	34/1	00	07	99
	34	00	02	56
	123/1	00	16	45
	123/2	00	01	39
	32/2	00	04	27
	32/5ए	00	11	12
	32/8	00	03	10
	32/9	00	02	56
	32/10	00	00	87
	32/11	00	00	10
	32/12	00	05	94
	32/13	00	02	30
	127/6	00	02	22
	127/8	00	02	19
	गांव सीमा और गट नं. 127 के बीच से	00	05	85
10) टिलोरे	गांव सीमा और गट नं. 119 के बीच से	00	04	95

1	2	3	4	5
13) बासनोली	16	00	25	20
	186	00	04	22
	14/5	00	15	15
	9/1	00	05	39
	9/2	00	03	22
	9/3	00	05	07
	9/5	00	04	15
	10/1	00	04	03
	10/2	00	09	69
	10/3	00	00	10
	5/1	00	07	84
	5/2	00	03	84
	5/3	00	05	59
	5/4	00	00	62
	4/1	00	03	64
	4/2	00	19	59
	66	00	27	93
	70	00	17	16
	79	00	03	26
	78	00	00	66
	80	00	16	41
	81/1	00	11	10
	81/4	00	03	46
	81/5	00	09	11
	81/6	00	00	10
	82	00	19	97
	84	00	07	63
	83	00	38	34
	85/2	00	09	17
	85/3	00	07	39
	85/4	00	09	63
	85/5	00	06	80
	89/1	00	20	83
	192	00	02	23
	90/1सी+2बी	00	04	34
	90/1सी+3सी	00	03	26
	90/2सी	00	06	09

1	2	3	4	5
13) बामनोली (आगे जारी)	90/3बी	00	03	95
	90/3सी	00	03	16
	90/3डी	00	08	67
	90/1डी	00	04	70
	91	00	14	44
	108/2/4	00	16	25
	108/2/5	00	06	72
	107	00	08	74
	106	00	25	86
	103/2	00	01	06
	103/11	00	01	86
	105/1	00	04	49
	105/2	00	00	11
	105/5	00	05	25
14) रील	8	00	22	90
	9	00	22	79
	4	00	16	19
	81	01	36	59
	55	00	00	96
	54	00	41	65
	53	00	04	17
	47	00	43	92
	82	00	26	71
	45	00	00	22
	65	00	00	45
	67	00	03	44
	74	00	04	50
	47	00	14	45
15) पाथोले	49	00	21	95
	46	00	01	55
	73	00	09	02
	52/1	00	10	13
	52/2	00	01	42
	53	00	21	33
	3	00	00	10
	4	00	23	75
	2	00	07	60

1	2	3	4	5
15) पाथोले (आगे जारी)	21/1 21/2 56/21 56 56/35/ए 56/36 56/40 56/41	00 00 00 00 00 00 00 00	22 13 16 00 18 27 07 12	30 17 75 67 76 72 71 42
	गांव सीमा और गट नं. 56/36 के बीच में	00	01	95
16) दहिली कोंड	गांव सीमा और गट नं. 66 के बीच में 66/26 66/29 66/31 66/32 66/33 66/34 68/3 68/4 68/5	00 00 00 00 00 00 00 00 00	02 05 03 05 02 02 02 10 02	38 33 29 02 73 74 18 20 23
17) दहिली (गोरेगाव)	184 166 167 181/5 181/6 170 179 171 178/3 178/4 3/12 3/13 3/14 3/16 3/17 3/18 3/19 3/20	01 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	22 07 29 04 03 05 08 04 04 08 06 12 03 05 07 08 00 01	85 09 22 06 04 91 72 64 64 03 11 98 94 75 29 84 29 92

1	2	3	4	5
20) दडवली (आगे जारी)	गट नं. 69 और 68 के बीच में 68/1ए गट नं. 66 और 65 के बीच में 65 66/5 66/6 93/1 93/2 93/3 गट नं. 93 और 92 के बीच में 92 164 91	00 00 00 00 00 00 00 00 00 00 00 00 00	03 06 08 41 00 01 39 08 11 05 41 09 29	68 58 05 33 10 06 93 38 54 56 81 09 44
21) हुरडी	5 31 32 40 गट नं. 40 और 40ए के बीच में 40ए गट नं. 8 और 40ए के बीच में 44 6/2डी(2)+6/2ए+2बी+2सी+2डी(2) 6/1+2बी+3ए+2सी(1) 7/2 7/2 7/3 7/4 33 गांव सीमा और गट नं. 33 के बीच में नाला 9	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	34 04 00 15 02 08 00 00 00 11 02 00 00 00 01 05 08 01 23 01 00	84 66 10 69 74 53 69 10 31 45 15 48 82 76 42 71 15
22) याकी	गांव सीमा गट नं. 42 के बीच में 08 42 7/4 11/2 10/1 10/2	00 00 00 00 00 00	01 00 22 01 01 06 00	59 10 51 26 80 57 10

1	2	3	4	5
22) वाकी (आगे जारी)	10/3	00	05	51
	35	00	01	30
	12/2	00	17	33
	43	00	05	18
	17	00	48	83
	36	00	22	75
23) काथले	62	00	00	32
	63	00	08	81
	61	00	02	07
	68	00	11	78
	83/ए	00	04	44
	82	00	04	65
	83/बी	00	05	82
	81	00	03	18
	85	00	01	01
	128	00	13	96
	86	00	00	94
	125	00	06	12
	124	00	01	95
	141	00	02	85
	132	00	03	56
	138	00	04	53
	137	00	03	77
	136	00	00	99
	158	00	00	21
	159	00	07	32
	167	00	05	61
	163	00	02	50
	164	00	00	20
	161	00	00	50
	162	00	00	62
	गट नं. 164 और 234 के बीच मे	00	01	04
	234	00	05	68
	235	00	02	79
	233	00	02	87
	231	00	03	00
	230	00	00	62

1	2	3	4	5
23) काथले (आगे जारी)	229	00	03	22
	232	00	00	10
	228	00	00	49
	226	00	00	27
	227	00	06	49
	225	00	06	88
	224	00	01	25
	204	00	08	15
	200	00	00	10
	201	00	07	57
	196	00	07	50
	197	00	08	24
24) पुरार	35	00	07	85
	36	00	09	76
	38	00	04	82
	37	00	01	70
	39	00	05	14
	40	00	05	60
	42	00	06	69
	43	00	06	89
	44	00	04	63
	45	00	07	02
	46	00	08	11
	47	00	04	02
	194	00	07	86
	48	00	10	48
	49	00	13	64
	191	00	00	78
	190	00	03	50
	51	00	08	12
	188	00	00	45
	55	00	02	76
	56	00	03	14
	187	00	00	14
	57	00	06	92
गट नं. 187 और 57 के बीच में		00	00	22
	60	00	04	33

1	2	3	4	5
24) पुरार (आगे जारी)	61	00	08	24
	152	00	04	12
	151	00	04	75
	150	00	08	01
	147	00	05	83
	68	00	03	12
	132	00	02	24
	131	00	09	99
	113	00	10	05
	114	00	10	14
	112	00	01	89
	115	00	05	11
	111	00	13	15
	110	00	00	10
	109	00	13	54
	107	00	00	52
	108	00	11	70
	401	00	07	71
	400	00	00	10
	399	00	08	73
	338	00	02	14
	397	00	13	48
	396	00	07	30
	395	00	07	34
	394	00	00	72
	392	00	15	91
	389	00	02	81
	391	00	10	26
	गाव सीमा और गट नं. 391 के बीच मे	00	05	05
25) नांददी	गाव सीमा और गट नं. 14 के बीच मे	00	04	83
	14 / 1	00	15	95
	11	00	00	10
	12	00	12	96
	27 / 1	00	04	15
	27 / 3	00	06	03
	27 / 5	00	15	69
	26 / 1	00	12	97

1	2	3	4	5
25) नांदवी (आगे जारी)	26 / (3+5+6)	00	07	30
	42 / 2	00	00	10
	43 / 9	00	01	58
	43 / 1	00	09	90
	43 / 11	00	02	48
	43 / 3	00	01	50
	43 / 12	00	09	42
	43 / 4	00	00	10
	43 / 5	00	01	47
	43 / 7	00	10	20
	43 / 14	00	02	52
	44	00	31	98
	45 / 1	00	01	06
	45 / 2	00	02	10
	45 / 3	00	01	94
	45 / 4	00	01	88
	45 / 5	00	00	90
	45 / 7	00	07	88
	45 / 8	00	02	19
	45 / 9	00	01	34
	45 / 10	00	00	70
	45 / 11	00	00	34
	45 / 15	00	03	86
	45 / 16	00	00	10
	गाव सीमा और गट नं. 45 के बीच में	00	00	49
26) बांधिवली	गाव सीमा और गट नं. 334 के बीच में	00	01	34
	334	00	07	91
	335	00	02	94
	326	00	03	94
	332	00	01	16
	331	00	01	28
	330	00	01	02
	329	00	01	15
	327	00	11	83
	313	00	00	10
	324	00	15	84
	323	00	00	20

1	2	3	4	5
26) बांधिवली (आगे जारी)	322	00	01	52
	319	00	05	30
	320	00	07	63
	408	00	03	05
	409	00	02	40
	407	00	03	69
	406	00	11	11
	400	00	07	58
	401	00	06	67
	13/ए	00	05	20
	420	00	10	05
	गट नं. 420 और 13 के बीच मे	00	01	96
	13/बी	00	12	4
	12	00	07	88
	11	00	06	66
	10	00	07	40
	9	00	13	37
	24	00	04	39
	23	00	08	42
	26	00	00	19
	29	00	04	11
	22	00	05	20
	20	00	02	00
	21	00	05	62
	32	00	04	64
	33/ए	00	14	07
	34	00	11	60
	35	00	09	28
	36	00	12	51
27) टोलखुर्द	36/1	00	04	65
	गट नं. 36 और 37 के बीच मे	00	00	85
	37	00	41	22
	42/1	00	10	75
	42/2	00	08	23
	42/6	00	07	96
	1/13	00	07	15
	1/11	00	09	33

1	2	3	4	5
27) टोलखुद (आगे जारी)	1/6	00	00	70
	1/10	00	02	72
	1/15	00	03	98
	1/14	00	07	68
	गट नं. 1 और 2 के बीच में	00	01	38
	2/8	00	06	79
	2/11	00	00	17
	2/5	00	00	27
	2/9	00	04	22
	2/10	00	00	10
	2/6	00	12	13
	2/7	00	05	41
	गट नं. 2 और 4 के बीच में	00	01	39
	4/1	00	11	33
	3/1	00	01	56
	3/10	00	11	38
	3/3	00	00	47
	3/4	00	01	62
	3/8	00	01	2
	3/11	00	05	24
	3/5	00	02	06
	3/6	00	06	40
	3/7	00	06	97
	3/12	00	00	19
	5/1	00	00	10
	5/10	00	10	57
	गट नं. 5/10 और 5/8 के बीच में	00	02	70
	5/8	00	15	39
	5/7	00	01	18
	6/5	00	04	57
	6/2	00	10	11
	6/6	00	00	45
	6/3	00	05	70
	6/4	00	08	17
	7/2	00	10	2
	7/3	00	10	39
	7/4	00	04	90

1	2	3	4	5
27) टोलखुर्द (आगे जारी)	7/5	00	05	47
	7/6	00	02	74
	7/11	00	02	8
	7/8	00	03	36
	7/7	00	04	91
	7/1	00	11	33
	गट नं. 7 और 8 के बीच मे	00	04	89
	8/1	00	10	32

[फा. सं. एल-14014/14/2006-की.पी.]

दीपक रतनपाल, अध्यक्ष

New Delhi, the 30th May, 2006

S. O. 2145.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/ Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the Promoter company of M/s Reliance Gas Pipelines Limited, formerly known as M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Raigad in the State of Maharashtra, a pipeline should be laid by M/s Reliance Gas Pipelines Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Shri. S. D. Bhise, Competent Authority, Reliance Gas Pipelines Limited, Hari Narayan Complex, 2nd Floor, Old Dalda Depo, Shivaji Chowk, Furniture Market, Ulhasnagar-421003, Dist Thane, Maharashtra State.

Schedule					
Tehsil: MANGAON		District: Raigad	State : Maharashtra		
Village	Survey Sub-division No.	Area to be acquired for ROU			
		Hect.	Are	C-Are	
1	2	3	4	5	
1) Ghotawal	98	00	00	10	
	97	00	06	16	
	94	00	02	71	
	100	00	13	31	
	99	00	02	68	
	101	00	15	49	
	102	00	08	78	
	119	00	07	36	
	118	00	09	01	
	109	00	06	00	
	111	00	06	27	
	116	00	15	53	
	128	00	08	62	
	129	00	01	16	
	127	00	04	66	
	131	00	06	25	
	132	00	01	09	
	148	00	06	48	
	130	00	05	71	
	149	00	05	74	
	283	00	03	30	
	284	00	07	54	
	286	00	10	89	
	279	00	10	43	
	288	00	11	31	
	278	00	02	54	
	277	00	19	59	
	275	00	00	10	
	276	00	14	90	
2) Ratvad	219	00	01	63	
	216	00	17	51	
	217	00	00	85	

1	2	3	4	5
2) Ratvad (Cont...)	218	00	27	12
	204	00	53	28
	193	00	02	08
	205	00	48	85
	241	00	01	13
	240	00	31	55
	143	00	06	63
	242	00	45	03
	332	00	27	11
3) Nilaj	355	01	27	93
	290	00	17	18
	301	00	05	91
	308	00	26	32
	309	00	11	01
	316	00	00	10
	318	00	00	10
	319	00	09	03
	327	00	00	11
	337	00	04	84
	338	00	24	96
	345	00	13	34
	346	00	05	35
	349	00	07	21
	208	00	27	69
4) Potner	533	00	47	01
	541	00	16	91
	540	00	14	09
	In Bet.Svy.No.540 & 539	00	00	83
	539	00	12	42
	545	00	03	40
	538	00	05	26
	546	00	04	62
	547	00	35	81
	549	00	02	62
	550	00	11	09
	551	00	09	36
	548	00	00	14

1	2	3	4	5
4) Potner (Cont...)	553	00	11	62
	552	00	02	11
5) Rudravali	243	00	41	45
	In Bet.Svy.No.243 & 237	00	07	39
	237	00	10	79
	239	00	02	24
	240	00	16	17
	170	00	07	08
	169	00	13	62
	168	00	05	29
	167	00	14	72
	249	00	02	55
	250	00	08	00
	247	00	00	10
	248	00	11	19
	252	00	02	62
6) Vadvan	21	00	03	85
	24	00	07	00
	25	00	02	69
	23	00	04	47
	22	00	00	10
	20	00	02	98
	26	00	08	38
	27	00	10	08
	2	00	08	80
	1	00	01	27
	4	00	01	42
	6	00	00	10
	5	00	04	16
	7	00	00	10
	8	00	19	29
	334	00	12	09
7) Pansai	166	00	23	70
	130	00	04	76
	131	00	23	37
	168	00	01	08
	165	00	16	93

1	2	3	4	5
7) Pansai (Cont...)	129	00	01	77
	128\1A	00	16	44
	128\2	00	03	61
	127\1B	00	16	16
	160	00	03	62
	120	00	00	19
	119	00	05	76
	123	00	28	58
	122	00	18	69
	96	00	28	87
	95	00	21	30
	81	00	10	57
	62	00	01	33
	63\1A	00	11	24
	23\1C	00	03	27
	34	00	14	26
	63\2	00	00	54
	87\3	00	00	51
	87	00	40	47
	200	00	10	59
	72	00	02	70
	77\2	00	01	41
	72	00	00	73
	150	00	26	76
	223	00	03	52
8) Kalvan	171	00	07	37
	91	00	22	56
	91\1A	00	22	06
	90\1B	00	10	53
	88\1\1	00	00	87
	88\1\2	00	15	38
	88\1\3	00	16	83
	88\2\1	00	02	25
	87	00	11	95
	86	00	26	12
	82	00	52	27
	168	00	12	76

1	2	3	4	5
8) Kalvan (Cont...)	78	00	00	27
	77	00	09	17
	162	00	05	68
	74	00	41	06
	75	00	06	42
	2611	00	08	41
	2615	00	05	87
	2616	00	05	64
	2617	00	16	57
	2618	00	11	26
	2619(A)	00	02	61
	26110	00	02	97
	26111	00	02	72
9) Dakhane	14111	00	15	92
	86A	00	25	38
	86	00	03	31
	In Ret.Svy.No.63&84	00	09	62
	841214	00	08	51
	841215	00	00	92
	841216	00	06	52
	841210	00	05	44
	821211	00	09	89
	841212	00	11	90
	83	00	01	98
	69	00	06	20
	6918	00	07	81
	69/9	00	03	82
	68	00	17	28
	6714A	00	12	13
	6619	00	06	03
	66110	00	01	90
	6511	00	00	45
	6512	00	00	84
	6513	00	06	66
	6514	00	04	38
	6515	00	04	01
	6518	00	01	26

1	2	3	4	5
9) Dakhane (Cont...)	6519	00	07	26
	6414	00	00	10
	6415	00	06	45
	64161D	00	05	10
	62	00	02	65
	63	00	15	80
	4715	00	00	79
	4716+11	00	06	62
	4717	00	02	92
	4718	00	03	51
	4518	00	00	72
	4519	00	13	24
	45110	00	00	49
	45115	00	04	45
	45116	00	04	75
	13515	00	06	97
	13516	00	00	83
	13517	00	06	04
	125113+19	00	01	97
	125114	00	05	31
	125115	00	00	28
	3411	00	07	99
	34	00	02	56
	12311	00	16	45
	12312	00	01	39
	3212	00	04	27
	3215A	00	11	12
	3216	00	03	10
	3219	00	02	56
	32110	00	00	87
	32111	00	00	10
	32112	00	05	94
	32113	00	02	30
	12716	00	02	22
	12718	00	02	18
	In Bet.Svy.No.127 & V.B	00	05	85
10) Tilore	In Bet.Svy.No.119 & V.B	00	04	95

1	2	3	4	5
10) Tilore (Cont...)	119	00	01	83
	102	00	22	64
	103	00	01	42
	101	00	12	93
	107	00	52	64
	106	00	07	80
	50	00	00	78
11) Sale	3411	00	35	60
	3413	00	00	10
	171113	00	05	72
	16815B	00	03	06
	16816	00	18	41
	16818	00	01	76
	16819	00	19	28
	16810	00	00	21
	16911A	00	11	78
	16911B	00	41	61
	Bet. Svy. No. 16911B & 16813	00	04	99
	16813	00	14	84
12) Kalavje	70	00	78	81
	23	00	19	54
	3611	00	15	91
	3612	00	04	36
	3613	00	04	92
	36110	00	00	12
	36111	00	05	47
	82	00	00	39
	36	00	41	71
	75	00	04	37
	402	00	00	10
	43	00	14	21
	46	00	17	70
	In Bet.Svy.No.48850	00	01	11
	50	00	26	41
	72	00	16	75
	52	00	20	46
	57	00	21	50

1	2	3	4	5
13) Banerjee	16	00	25	20
	186	00	04	22
	1415	00	15	15
	911	00	05	39
	912	00	03	22
	913	00	05	07
	915	00	04	15
	1011	00	04	03
	1012	00	09	69
	1013	00	00	10
	511	00	07	84
	512	00	03	84
	513	00	05	59
	514	00	00	62
	411	00	03	64
	412	00	19	59
	66	00	27	93
	70	00	17	16
	79	00	03	26
	78	00	00	66
	80	00	16	41
	8111	00	11	10
	8114	00	03	46
	8115	00	09	11
	8116	00	00	10
	82	00	19	97
	84	00	07	63
	83	00	36	34
	8512	00	08	17
	8513	00	07	39
	8514	00	09	63
	8515	00	06	80
	8911	00	20	83
	192	00	02	23
	9011C+2B	00	04	34
	9011C+3C	00	03	26
	9012C	00	06	09

1	2	3	4	5
13) Bamnoli (Cont...)	90\3B	00	03	95
	90\3C	00	03	16
	90\3D	00	08	67
	90\1D	00	04	70
	91	00	14	44
	108\2\4	00	16	25
	108\2\5	00	06	72
	107	00	08	74
	106	00	25	86
	103\2	00	01	06
	103\11	00	01	86
	105\1	00	04	49
	105\2	00	00	11
	105\5	00	05	25
14) Rile	8	00	22	90
	9	00	22	79
	4	00	16	19
	81	01	36	59
	55	00	00	96
	54	00	41	65
	53	00	04	17
	47	00	43	92
	82	00	26	71
	46	00	00	22
	65	00	00	45
15) Pachole	67	00	03	44
	74	00	04	50
	47	00	14	45
	49	00	21	95
	46	00	01	55
	73	00	09	02
	52\1	00	10	13
	52\2	00	01	42
	53	00	21	33
	3	00	00	10
	4	00	23	75
	2	00	07	60

1	2	3	4	5
15) Pachole (Cont...)	2111 2112 5621 56 56135VA 56136 56140 56141 In Bet.Svy.No. 56136 & V.B	00 00 00 00 00 00 00 00 00	22 13 16 00 18 27 07 12 01	30 17 75 67 78 72 71 42 95
16) Dahivali Kond	In Bet.Svy.No.66 & V.B 66128 66129 66131 66132 66133 66134 6613 6814 6815	00 00 00 00 00 00 00 00 00	02 05 03 05 02 01 02 10 02	38 33 29 02 73 37 18 20 23
17) Dahivali (Goregaon)	184 166 167 18115 18116 170 179 171 17813 17814 3112 3113 3114 3116 3117 3118 3119 3120	01 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	22 07 29 04 03 05 08 04 04 08 06 12 03 05 07 08 00 01	85 09 22 06 04 91 72 64 64 03 11 98 94 75 29 84 29 92

1	2	3	4	5
17) Dahvall (Boregaon)(Cont...)	3\21	00	20	33
	3\25	00	00	52
	3\26	00	18	00
	3\46	00	09	43
	3\47	00	00	08
	3\48	00	01	30
	3\62	00	11	41
	3\63+64	00	04	29
	3\68+62C	00	11	15
	3\34	00	08	79
	20	00	19	02
	19	00	10	11
	14	01	06	85
	17	00	03	10
	13	00	16	06
	9	00	09	97
	In Bet.Svy.No. 9 & V.B.	00	03	58
18) Shiravali	62	00	05	84
	In Bet.Svy.No.62&28	00	05	90
	28	00	05	73
	63	00	36	55
19) Tame	62	00	29	75
20) Vadavali	175	00	77	28
	2413	00	29	58
	In Bet.Svy.No. 23& 31	00	07	57
	23\2	00	10	20
	31	00	13	64
	32	00	14	93
	16\11	00	03	29
	16\12B	00	00	63
	33\2	00	00	35
	14	00	05	81
	59	00	17	28
	60	00	25	50
	70\1	00	12	73
	70\2	00	11	66
	69	00	18	80

1	2	3	4	5
20) Viravali (Cont...)	In Bet.Svy.No.69 & 68	00	03	68
	681A	00	06	58
	In Bet.Svy.No. 68& 65	00	06	05
	65	00	41	33
	6815	00	00	10
	6816	00	01	06
	9311	00	39	93
	9312	00	06	36
	9313	00	11	54
	In Bet.Svy.No. 93 & 92	00	05	56
	92	00	41	81
	164	00	09	09
	91	00	29	44
21) Hurdi	5	00	34	84
	31	00	04	66
	32	00	00	10
	40	00	15	89
	In Bet.Svy.No 40 & 40A	00	02	74
	40A	00	08	53
	In Bet.Svy.No 6 & 40A	00	00	69
	44	00	00	10
	612D(2)+612A+2B+2C+2D(2)	00	11	31
	611+2B+3A+2C+2(1)	00	02	45
	711	00	01	15
	712	00	05	48
	713	00	08	62
	714	00	01	76
	33	00	23	42
	In Bet.Svy.No 33 & V.B	00	01	71
	9	00	00	15
22) Vakil	In Bet.Svy.No. 42 & V.B.	00	01	59
	8	00	00	10
	42	00	22	51
	714	00	01	26
	1112	00	01	80
	1011	00	06	57
	1012	00	00	10

1	2	3	4	5
22) Vakl (Cont...)	103	00	05	51
	35	00	01	30
	122	00	17	33
	43	00	05	18
	17	00	48	83
	36	00	22	75
23) Kachale	62	00	00	32
	63	00	08	81
	61	00	02	07
	68	00	11	78
	83A	00	04	44
	82	00	04	65
	83B	00	05	82
	81	00	03	18
	85	00	01	01
	128	00	13	96
	86	00	00	94
	125	00	06	12
	124	00	01	95
	141	00	02	65
	132	00	03	56
	138	00	04	53
	137	00	03	77
	136	00	09	99
	158	00	00	21
	159	00	07	32
	167	00	05	61
	163	00	02	50
	164	00	00	20
	161	00	00	50
	162	00	00	62
	In Bet.Svy.No.184& 234	00	01	04
	234	00	05	68
	235	00	02	79
	233	00	02	87
	231	00	03	00
	230	00	00	62

1	2	3	4	5
23) Kachale (Cont...)	229	00	03	22
	232	00	00	10
	228	00	00	49
	226	00	00	27
	227	00	06	49
	225	00	06	88
	224	00	01	25
	204	00	08	15
	200	00	00	10
	201	00	07	57
	196	00	07	50
	197	00	08	24
24) Purar	35	00	07	85
	36	00	09	76
	38	00	04	82
	37	00	01	70
	39	00	06	14
	40	00	06	60
	42	00	06	69
	43	00	06	89
	44	00	04	63
	45	00	07	02
	46	00	06	11
	47	00	04	02
	194	00	07	66
	48	00	10	48
	49	00	13	64
	191	00	00	78
	190	00	03	50
	51	00	08	12
	188	00	00	45
	55	00	02	76
	56.	00	03	14
	187	00	00	14
	57	00	06	92
	In Bet.Syy.No. 187& 57	00	00	22
	60	00	04	33

	1	2	3	4	5
24) Purar (Cont...)	61		00	08	24
	152		00	04	12
	151		00	04	75
	150		00	08	01
	147		00	05	83
	168		00	03	12
	132		00	02	24
	131		00	09	99
	113		00	10	05
	114		00	10	14
	112		00	01	89
	115		00	05	11
	111		00	13	15
	110		00	00	10
	109		00	13	54
	107		00	00	52
	108		00	11	70
	401		00	07	71
	400		00	00	10
	399		00	08	73
	338		00	02	14
	397		00	13	48
	396		00	07	30
	395		00	07	34
	394		00	00	72
	392		00	15	91
	389		00	02	81
	391		00	10	26
	In Bet.Svy.No.391& V.B		00	05	05
25) Nandvi		In Bet.Svy.No. 14 & V.B	00	04	83
	214\1		00	15	95
	111		00	00	10
	12		00	12	96
	27\1		00	04	15
	27\3		00	06	03
	27\5		00	15	69
	26\1		00	12	97

1	2	3	4	5
25) Nandvi (Cont...)	26\3+5+6	00	07	30
	42\2	00	00	10
	43\9	00	01	58
	43\1	00	09	90
	43\11	00	02	48
	43\3	00	01	50
	43\12	00	09	42
	43\4	00	00	10
	43\5	00	01	47
	43\7	00	10	20
	43\14	00	02	52
	44	00	31	98
	45\1	00	01	06
	45\2	00	02	10
	45\3	00	01	94
	45\4	00	01	88
	45\5	00	00	90
	45\7	00	07	88
	45\8	00	02	19
	45\9	00	01	34
	45\10	00	00	70
	45\11	00	00	34
	45\15	00	03	86
	45\16	00	00	10
	In Bet.Svy.No. 45 & V.B	00	00	49
26)Bhandivali	In Bet.Svy.No 334 & V.B	00	01	34
	334	00	07	91
	335	00	02	94
	328	00	03	94
	332	00	01	16
	331	00	01	28
	330	00	01	02
	329	00	01	15
	327	00	11	83
	313	00	00	10
	324	00	15	84
	323	00	00	20

1	2	3	4	5
26)Bhandival (Cont...)	322	00	01	52
	319	00	05	30
	320	00	07	63
	406	00	03	05
	409	00	02	40
	407	00	03	69
	406	00	11	11
	400	00	07	58
	401	00	06	67
	13A	00	05	20
	420	00	10	05
	In Bet.Svy.No 420 & 13B	00	01	96
	13B	00	12	04
	12	00	07	88
	11	00	06	66
	10	00	07	40
	9	00	13	37
	24	00	04	39
	23	00	08	42
	26	00	00	19
	29	00	04	11
	22	00	05	20
	20	00	02	00
	21	00	05	62
	32	00	04	64
	33A	00	14	07
	34	00	11	60
	35	00	09	28
	36	00	12	51
27) Talkud	361	00	04	65
	In Bet.Svy.No 36 & 37	00	00	85
	37	00	41	22
	421	00	10	75
	422	00	08	23
	426	00	07	96
	113	00	07	15
	111	00	09	33

1	2	3	4	5
27) Tolkud (Cont...)	16	00	00	70
	110	00	02	72
	115	00	03	98
	114	00	07	68
	In Bet.Svy.No 1 & 2	00	01	38
	218	00	06	79
	211	00	00	17
	215	00	00	27
	219	00	04	22
	210	00	00	10
	216	00	12	13
	217	00	05	41
	In Bet.Svy.No 2 & 4	00	01	39
	411	00	11	33
	311	00	01	56
	310	00	11	38
	313	00	00	47
	314	00	01	62
	318	00	01	27
	3111	00	05	24
	315	00	02	06
	318	00	06	40
	317	00	06	97
	312	00	00	19
	511	00	00	10
	510	00	10	57
	In Bet.Svy.No 5\10 & 5\8	00	02	70
	518	00	15	39
	517	00	01	18
	615	00	04	57
	612	00	10	11
	616	00	00	45
	613	00	05	70
	614	00	08	17
	712	00	10	02
	713	00	10	39
	714	00	04	90

1	2	3	4	5
27) Tolkud (Cont...)	715	00	05	87
	716	00	02	74
	711	00	02	08
	718	00	03	36
	717	00	04	91
	711	00	11	33
	In Bet.Svy.No 7 & 8	00	04	89
	811	00	10	52

Bet.Svy.No. = Between Survey Number ; V.B. = Village Boundary.

[F. No. L-14014/14/2006-G.P.]
DEEPAK RATTANPAL, Under Secy.

नई दिल्ली, 1 जून, 2006.

का. आ. 2146.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुंब्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री प्रह्लाद सिंह, अभ्यन्त प्राधिकारी, मुंब्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -852, सेक्टर - 6, बहादुरगढ़ - 124507, जिला - झज्जर (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसुची

तहसील: झज्जर	जिला: झज्जर			राज्य: हरियाणा		
	ठदबस्त संख्या	मुसातिल संख्या	असरा/ किला संख्या	श्रेवफ्ल	ट्रेक्टेयर	एयर
1. लुहारी	250	37	24	00	01	07
			26	00	01	80
	59	14	00	01	44	
		17	00	01	43	
	95	11	00	00	71	
	96	25	00	01	12	
	119	15	00	00	62	
	127	9	00	00	10	
		12	00	02	39	
		21/2	00	00	80	
	144	15/1	00	00	62	
		15/2	00	00	81	
	145	1/1	00	00	10	
		1/2	00	04	30	
	153	5/1	00	01	24	
		5/2	00	00	10	
		14	00	00	57	
		17	00	01	25	
	167	3	00	01	41	
		8	00	00	48	
	174	1/2	00	01	12	
		10	00	01	09	
	175	25	00	00	42	
	184	7	00	00	68	
		18/1	00	03	06	
		286	00	01	07	
		288	00	00	67	
2. कुतानी	276	14	20/1	00	02	44
			21	00	04	14
	26	16	00	01	22	
		26	00	00	94	
	55	13	00	00	42	

तहसील: झज्जर	जिला: झज्जर			राज्य: हरियाणा			
	गाँव का नाम	ठदबस्त संख्या	मुसातिल संख्या	असरा/ किला संख्या	श्रेष्ठफल	एकटेयर	एयर
2. कुतानी (जारी...)		276	55	18 23/1 67 22 75 20 21 86 87 95 7/1 14 24/1 24/2 99 132 332	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	03 00 02 02 01 02 03 00 00 00 01 02 00 00 00 00 00	83 77 12 19 90 42 44 93 10 10 69 23 64 35 35 84 10
3. दादरी तोए		275	41	9 22 66 2 20/2 72 15 115 16 25/1 122 14 17/1 24 131 24/1 136 18/2 468 496	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	00 00 00 00 01 00 00 00 00 00 00 00 00 00 00 01 00 00 00	67 62 72 70 30 92 51 23 10 16 25 20 70 10 60
4. मुनीमपुर कुकडोला		269	54	10 72 5 24 79 24	00 00 00 00 00 00	01 00 00 00 01	17 94 53 39

गाँव का नाम	ठासील: झज्जर	जिला: झज्जर			राज्य: हरियाणा		
		ठदबस्त संख्या	मुसातिल संख्या	छसरा/ किला संख्या	श्रेवफल		
					ठेकटेयर	एयर	वर्गमीठर
5. बाठमनोला	270	27	7/1/2	00	02	47	
		39	18	00	00	44	
		44	19	00	01	10	
			22	00	00	77	
			26	00	00	20	
		64	23	00	02	72	
			27	00	01	72	
		75	16	00	02	60	
			25/1	00	00	58	
			25/2	00	01	99	
		79	14	00	01	62	
			17/1	00	01	87	
			17/2	00	00	88	
			98	00	00	97	
			333	00	00	60	
6. लाडपुर	86	3	19	00	01	92	
			21	00	04	74	
		10	15	00	00	10	
			16	00	00	51	
			25	00	00	25	
		27	17	00	00	53	
			24	00	00	44	
		45	12/2	00	00	25	
		52	20	00	00	37	
			21/2	00	00	55	
		60	1/2	00	00	84	
			10	00	00	76	
		61	25	00	00	53	
			125	00	00	60	
			482	00	01	09	
7. फैजाबाद उर्फ पाहसौर	87	18	17	00	00	70	
		33	24	00	01	12	
		49	3	00	01	71	

तहसाल: झज्जर		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	शेन्रफल		
		हेक्टेयर	एयर	वर्गमीटर		
7. फैजाबाद उप पाठ्सौर (जारी...)	87	49	9/1	00	01	67
			75	00	00	95
			88	00	00	80
			93	00	01	63

[फा. सं. आर-31015/36/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 1st June, 2006

S. O. 2146.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahlad Singh, Competent Authority, Mundra - Delhi Petroleum Product Pipeline Project, Hindustan Petroleum Corporation Limited. H. No. 852, Sector - 6, Bahadurgarh - 124507, District – Jhajjar (Haryana).

SCHEDULE

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. LOHARI	250	37	24	00	01	07
			26	00	01	80
		59	14	00	01	44
			17	00	01	43
		95	11	00	00	71
		96	25	00	01	12
		119	15	00	00	62
		127	9	00	00	10
			12	00	02	39
			21/2	00	00	80
		144	15/1	00	00	62
			15/2	00	00	81
		145	1/1	00	00	10
			1/2	00	04	30
		153	5/1	00	01	24
			5/2	00	00	10
			14	00	00	57
			17	00	01	25
		167	3	00	01	41
			8	00	00	48
		174	1/2	00	01	12
			10	00	01	09
		175	25	00	00	42
		184	7	00	00	68
			18/1	00	03	06
			286	00	01	07
			288	00	00	67
2. KUTANI	276	14	20/1	00	02	44
			21	00	04	14
		26	16	00	01	22
			26	00	00	94
		55	13	00	00	42

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
2. KUTANI (Contd...)	276	55	18	00	03	83
			23/1	00	00	77
		67	19/2	00	02	12
			22	00	02	19
		75	10/1	00	01	90
			20	00	02	42
			21	00	03	44
		86	16	00	00	93
		87	1/1	00	00	10
		95	5	00	00	10
			7/1	00	01	69
			14	00	02	23
			24/1	00	00	64
			24/2	00	00	35
		99	4	00	00	35
			132	00	00	84
			332	00	00	10
3. DADRI TOE	275	41	9	00	00	67
			22	00	00	62
		66	2	00	00	72
			20/2	00	01	30
		72	15	00	00	92
		115	16	00	00	51
			25/1	00	01	23
		122	14	00	00	10
			17/1	00	01	16
			24	00	00	25
		131	24/1	00	01	20
		136	18/2	00	00	70
			468	00	02	10
			496	00	00	60
4. MUNIMPUR KUKROLA	269	54	10	00	01	17
		72	5	00	00	94
			24	00	00	53
		79	24	00	01	39

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
5. BAMANOLA	270	27	7/1/2	00	02	47
		39	18	00	00	44
		44	19	00	01	10
			22	00	00	77
			26	00	00	20
		64	23	00	02	72
			27	00	01	72
		75	16	00	02	60
			25/1	00	00	58
			25/2	00	01	99
		79	14	00	01	62
			17/1	00	01	87
			17/2	00	00	88
			98	00	00	97
			333	00	00	60
6. LADPURA	86	3	19	00	01	92
			21	00	04	74
		10	15	00	00	10
			16	00	00	51
			25	00	00	25
		27	17	00	00	53
			24	00	00	44
		45	12/2	00	00	25
		52	20	00	00	37
			21/2	00	00	55
		60	1/2	00	00	84
			10	00	00	76
		61	25	00	00	53
			125	00	00	60
			482	00	01	09
7. FAIZABAD ALIAS	87	18	17	00	00	70
PASAOR		33	24	00	01	12
		49	3	00	01	71

Tehsil : JHAJJAR		District : JHAJJAR			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
7. FAIZABAD ALIAS	87	49	9/1	00	01	67	
PASAOR (Contd...)			75	00	00	95	
			88	00	00	80	
			93	00	01	63	

[F. No. R-31015/36/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 1 जून, 2006

का. आ. 2147.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 582 तारीख 08 फरवरी, 2006, जो भारत के राजपत्र तारीख 11 फरवरी, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुद्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 18 अप्रैल, 2006, को उपलब्ध कराई गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विलंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : आमेर		जिला : जयपुर		राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल			
			हेक्टेयर	एकर	घर्ग मीटर	
1	2	3	4	5	6	
1.	मानपुरामाचेडी	3473	0	00	90	
2.	पुळकाबास उर्फ चावा का बास	1241	0	04	14	
3.	देव का हरमाडा	17/1373	0	04	68	
		352/1282	0	05	04	

[फा. सं. अर-31015/70/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 1st June, 2006

S. O. 2147.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 582 dated the 08th February, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 11th February, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 18th April, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR-II dated 25-11-2004.

SCHEDULE

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
1.	MANPURAMACHEDI	3473	0	00	90	
2.	PUTHKABAS URF CHAWA KA BAS	1241	0	04	14	
3.	DEV KA HARMADA	17/1373 352/1282	0 0	04 05	68 04	

[F. No. R-31015/70/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 1 जून, 2006

का. आ. 2148.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 255 तारीख 16 जनवरी, 2006, जो भारत के राजपत्र तारीख 21 जनवरी, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पिथाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में विजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 29 मार्च 2006 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है,, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4).द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगणों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : पिडावा

जिला : झालावाड़

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	रामपुरिया	178	0.0288
		799	0.0648
2	कोटडीखुद	15	0.0216
3	शेरपुर	330	0.0216
		612	0.0432
4	दीवलखेड़ा	356	0.0550
		391	0.0334
		593	0.0216
5	कल्याणपुरा	50	0.0630
6	सालरी	1006	0.0360
		879	0.0144
		952	0.0288
		962	0.0072

[फा. सं. आर-31015/84/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 1st June, 2006

S. O. 2148.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.255, dated the 16th January, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 21st January, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglyा Pipeline Extension Project from Manglyा (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 29 March, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : PIDAWA		DISTRICT : JHALAWAR	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	RAMPURIYA	178	0.0288
		799	0.0648
2	KOTRI KHURD	15	0.0216
3	SHERPUR	330	0.0216
		612	0.0432
4	DIWAL KHEDA	356	0.0550
		391	0.0334
		593	0.0216
5	KALYANPURA	50	0.0630
6	SALRI	1006	0.0360
		879	0.0144
		952	0.0288
		962	0.0072

[F. No. R-31015/84/2004-O.R.-II]
A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 3 मई, 2006

का. आ. 2149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 5/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-06 को प्राप्त हुआ था।

[सं. एल-20012/415/1997-आई आर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd May, 2006

S.O. 2149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/1999) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 3-5-06.

[No. L-20012/415/1997-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT
(No. 1), DHANBAD

In the matter of a reference under section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947.

Reference No. 5 of 1999

Parties : Employers in relation to the management of Bararee Colliery of M/s. B.C.C.L.

And

Their Workmen

Present : Shri Sarju Prasad, Presiding Officer

APPEARANCES:

For the Employers : Shri D. K. Verma, Advocate

For the Workmen : Shri N. G. Arun,

State : Jharkhand Industry : Coal

Dated, the 25th April, 2006

AWARD

By order No. L-20012/415/97-IR (C-I), dated, nil the Central Government in the Ministry of Labour has, in

exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bararee Colliery of M/s. BCCL in dismissing Shri Banshi Charan Bhuiyan, Loader from the services of the company w.e.f. 2-8-96 is justified ? If not, to what relief the workman is entitled to?"

2. 7-9-2005 was fixed for appearance of the parties and to file written statement by the management. But till today neither the sponsoring union nor the concerned workman have filed written statement in spite of notices sent to them for filling of written statement and several adjournment of the Ref. was made. In such circumstances, it appears that the concerned workman and the sponsoring union has got no interest in prosecuting this reference case.

In the result, I render a No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 3 मई, 2006

का. आ. 2150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एअरलाइंस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-II के पंचाट (संदर्भ संख्या 114/2005 Old Ref. No. 113/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-06 को प्राप्त हुआ था।

[सं. एल-11012/34/2000-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd May, 2006

S.O. 2150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2005 Old Ref. No. 113/2000) of the Central Government Industrial Tribunal/Labour Court, Mumbai-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Air Lines and their workman, which was received by the Central Government on 3-5-06.

[No. L-11012/34/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, AT MUMBAI**

Present A. A. LAD Presiding Officer

REFERENCE NO. CGIT-2/114 of 2005

Employers in Relation to the Management of

M/s. Indian Airlines Limited.

The Regional Director,
Indian Airlines,
Western Region,
Mumbai-400 099.

AND

The Chairman,
Air Corporation Employees Union,
C/o. Indian Airlines,
New Engg. Complex, Sahar,
Mumbai-400 099.

APPEARANCES:

For the Employer : Mrs. Pooja Kulkarni,
Advocate

For the Workmen : Nandini G. Menon

Mumbai, dated, the 4th April, 2006

AWARD

The Central Government has made a reference on dismissal of Shri V.L. Satam, the Workman of Indian Airlines, under Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act. The said Workman was in the employment of the First Party. He was served with the Charge Sheet dated 7-8th July, 1997. On 6th January, 1995 suspension order was served on him. It was alleged that the said workman in collusion with two other employees Mr. H.M. Mahamunkar and G.P. Vain have committed the theft of 3 wrist watched and cash of Rs. 85,000 from the registered baggage of the passenger and they were also charge sheeted like Second Party Workman. Statement of Claim is filed by the Second Party Workman on 29th January, 2001 under the signature of Chairman of Air Corporation Employees' Union, Western Region, stating that charges leveled against Second Party Workman were vague and requested to reinstate him with benefits of back wages and continuity of service. The said claim is disputed by the First Party by filing Written Statement at Exhibit 6 challenging the claim of the Second Party Workman and stating that action taken against Second Party Workman was taken after holding due enquiry and after proving charges against him. On the basis of that my Ld. Predecessor framed the issues at Exhibit 9.

2. During the pendency of the hearing both the parties have filed purshis at Exhibit 20 and pointed out that they have settled the dispute as per the terms and conditions annexed with Exhibit 20 and requested to dispose off the reference.

3. Relying on purshis at Exhibit 20 and the terms and conditions annexed with it I dispose off the Reference by passing the following order:

ORDER

Reference is disposed of in terms of the copy Annexed as Exhibit 20.

Mumbai

4th April, 2006

A.A. LAD, Presiding Officer

EXHIBIT 20**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2****Reference CGIT No. 2/114 of 2005****BETWEEN**

Management in relationFirst Party
to Indian Airlines Ltd.

AND

Their workmanSecond Party
(Shri Vilas Satam)

**Application on behalf of the parties to the Reference
May it please the Hon'ble Tribunal**

1. The above matter has been kept on 26-4-2006.

2. The first party management and second party workman have amicably settled the dispute between themselves and have signed a Memorandum of Settlement under S. 12 (3) of The Industrial Disputes Act, 1947 on 29-3-2006. A copy of the settlement is annexed hereto and marked as.

Exhibit 1

3. The Parties, therefore, pray that this Hon'ble Tribunal be pleased to take the Reference on board today and dispose of the reference in terms of the settlement and pass an Award accordingly.

Sd/-

For the first party management

Mumbai
April 4, 2006

Nandini G. Menon

Advocate for the second party workman

Sd/-

For the first party management

Sd/-

Second party workman

Memorandum of Settlement under Section 12 (3) of the Industrial Disputes Act, 1947 arrived at on 29th March, 2006 at Mumbai between the Management of Indian Airlines Ltd., and their workmen represented by Air Corporations Employees' Union in the matter of removal of services of Shri V. L. Satam.

Representing Management	Shri R. Harihar General Manager (Personnel) Indian Airlines Ltd., Western Region, Mumbai.
	Shri A. Rambabu Manager, Mumbai Airport Indian Airlines Ltd., Western Region Mumbai
Representing Workmen	Shri Ram Palav Regional Chairman Air Corporations Employees' Union, Western Region
	Shri A. T. Raj Regional Secretary Air Corporations Employees' Union, Western Region

Short Recital of the Case :

The Management of Indian Airlines Ltd. removed Shri V. L. Satam from the services w.e.f. 8-1-1998. Air Corporations Employees' Union, Western Region raised an industrial dispute before the Asst. Labour Commissioner (Central), Mumbai contesting the action of the Management. The conciliation ended in failure and the matter was referred by the Central Government of India for adjudication before CGIT-II, Mumbai.

An Application was filed before the Hon'ble National Industrial Tribunal seeking approval for the action taken by the Management and the Presidne Officer granted approval *vide* his order dated 14-5-1999.

Air Corporations Employees' Union raised an industrial dispute over the punishment of removal from service to Shri V. L. Satam, Helper (Commercial) on 8-4-1998 and the conciliation ended in failure on 22-5-2000. The Central Government by order dated 27-11-2000 referred the dispute to the Central Government Industrial Tribunal for adjudication.

Shri V. L. Satam did not contest the reference and hence *vide* it Award dated 24-4-2002 the Hon'ble CGIT disposed off the reference for non-prosecution.

Consequent to the order of the Hon'ble High Court of Bombay directing us to pay Shri Mahamunkar, last drawn wages, Shri V. L. Satam filed a Writ Petition in the High Court challenging the Award of the CGIT and praying that the Award be set aside and the matter be referred back to the CGIT to be decided on merits.

The matter has been remanded back to the Central Government Industrial Tribunal for deciding the matter on merit.

The proceedings in the CGIT in pending in respect of Shri Satam will be decided on the basis of the Award passed in the case of Shri Mahamunkar, as both the workmen have been charge sheeted for the same misconduct/incident. It will be extremely difficult for us to obtain a different order as the enquiry proceedings were also common.

Air Corporations Employees, Union approached the Regional Labour Commissioner (Central), Mumbai on 23-3-2006 requesting for intervention in the matter. The Union submitted that Shri V. L. Satam's case should be considered for "fresh appointment" especially since he had no other adverse record in his service. After prolonged discussions on 29-3-2006 the following settlement was arrived at :

Terms of Settlement :

1. Shri V. L. Satam shall in a fortnight be offered fresh appointment to the post of Helper (Commercial) in the pay scale of Rs. 2860-3700 with a starting basic of Rs. 2860. He shall be taken on duty on completion of pre-employment formalities but no medical test would be required.
2. Shri V. L. Satam will be placed on probation for a period of six months from the date of his appointment and if during this period his attendance, work/performance and conduct are found not satisfactory, his appointment will be terminated forthwith.
3. Shri V. L. Satam shall be eligible for promotion to the post/grade of Sr. Helper (Commercial) in the pay scale of Rs. 3140-4180 after he is confirmed as Helper (Commercial). On being found suitable for promotion as Sr. Helper his basic pay will be fitted at the maximum of the new pay scale at Rs. 4180. He shall get seniority as Sr. Helper (Commercial) from the date he takes over after promotion. However no retrospective financial benefits whatsoever shall accrue on this account.
4. Shri V. L. Satam shall be allowed to become member of the Indian Airlines Employees Provident Fund from the first of the following month he join duty. The Provident Fund amount standing to his credit as on 8-1-1998 would be recredited to his account. Shri V. L. Satam shall be allowed to become member of the Contributory Family Medical Scheme from the date he joins duty.
5. Shri V. L. Satam shall become eligible for passage facilities on his confirmation as Helper (Commercial).

6. Contribution towards Pension shall be made from the first salary drawn by Shri V. L. Satam after he joins duty.
7. The question of counting the past service for the purpose of post retirement benefits would be considered and decided by the Management after 5 years from the date he joins duty.
8. Subject to the above Shri V. L. Satam will be governed by Service Regulations/ Standing Orders and Establishment Order applicable to him as framed by Indian Airlines Ltd.; and amended from time to time.
9. Shri V. L. Satam shall be liable to be transferred to any Station/Section as may be required by the Management.
10. The above terms and conditions will be full and final settlement of all disputes pending before the Hon'ble CGIT-II (Reference No. CGIT-2/114 of 2005) and the Writ Petition No. 6466/2005 filed in the Hon'ble High Court of Bombay will stand disposed off.
11. Both the Parties agree not to seek any further relief in the concerned matter in any Court of Law or otherwise.
12. Both the Parties agree to file this settlement before all concerned authorities to obtain consent orders.

For the Union

Shri Ram Palav,
Regional Chairman
Air Corporations
Employees'Union
Western Region.
Shri A T Raj
Regional Secretary
Air Corporations
Employees'Union
Western Region.

Witnesses :

1. Devidas Bathe
2. Suphir Nagad

For the Management

Shri R Harihar,
General Manager (Personnel)
Indian Airlines Ltd.,
Western Region
Mumbai.
Shri A Rambabu
Manager Mumbai Airport
Indian Airlines Ltd.,
Western Region
Mumbai.

1. Mohar K. Pillai
2. Jyoti HC

Before Me,

S. Shivaswamy
Regional Labour Commissioner (Central)

नई दिल्ली, 5 मई, 2006

का. आ. 2151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 420/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/354/2003-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th May, 2006

S.O. 2151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 420/2004) of the Central Government Industrial Tribunal-Cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 4-5-2006.

[No. L-22012/354/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 4th January, 2006

Present : K. Jayaraman, Presiding Officer

Industrial Disputes No. 420/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Food Corporation of India and their workmen).

Between :

Sri K. S. Arumugam : I Party/Petitioner

AND

The Zonal Manager, : II Party/Management
Food Corporation of India,
Z.O., Chennai.

Appearances :

For the Workman : M/s. Balan Haridas &
R. Kamatchi Sundaresan,
Advocates.

For the Management : Mr. M. Imthias, Advocate.

AWARD

The Central Government, Ministry of Labour vide Order No. L-22012/354/2003-IR(C-II) dated 4-10-2004 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows :—

“Whether the action of the management of Food Corporation of India, Zonal Office, Chennai and FCI

Departmental Canteen Committee, Zonal Office, Chennai is not regularising the services of Sri K. S. Arumugam, Bearer of FCI Departmental Canteen, Zonal Office, Chennai is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 420/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Food Corporation of India has office throughout India. In its various offices, there are canteens providing food for employees. The type of canteen is classified based on number of employees working in that particular office. Similarly, the 1st Respondent has canteen in its zonal office at No. 2, Haddows Road and the 1st Respondent has formulated rules for running the canteen. The Managing committee consists of President, Vice-President, Secretary, Joint Secretary, Treasurer, Joint Treasurer and five members and they are all employee of the 1st Respondent. The committee is nominated by the 1st Respondent. The capital of canteen is fully funded by 1st Respondent. The appointment of staff to canteen though done by the committee, the headquarters of 1st Respondent at New Delhi decides the strength of staff, pay & allowances etc. and the accounts of canteen are audited by accounts department of the 1st Respondent. 90% of wages of canteen employees are paid by 1st Respondent as subsidy and remaining 10% is from the earning of canteen. The accommodation, furniture, utensils of canteen are provided by 1st Respondent and electricity and water provided to canteen is at free of cost. Thus, the canteen is run by the 1st Respondent and the employees working in the canteen are employees of 1st Respondent. The employees of canteen are working under direct control and supervision of 1st Respondent. Canteen was started in the year 1986 and at that point of time, there were above 500 employees and accordingly, canteen was categorised as B class by the 1st Respondent. The Petitioner was engaged as bearer in the year 1992 to supply food items to employees, collect the charge for food and remit the same. He is working continuously without any break and he is being paid on daily wage basis and paid wages for every month. Due to retirement, death and introduction of VRS, staff strength of 1st Respondent is reduced and consequently, the canteen is now under C type canteen. The work done by the Petitioner is perennial in nature. Further the 1st Respondent taking note of work done by the Petitioner had recommended to regularise the services of the Petitioner to Head Office. Though the canteen committee had taken decision to regularise the services of the Petitioner, till now the Petitioner was not regularised. When there is vacancy and when the work done by the Petitioner is absolutely required the Respondent has to

regularise the services of the Petitioner. The 2nd Respondent namely the canteen committee is part of the 1st Respondent and therefore, the petitioner is entitled to regularisation in the post of bearer from the date of his engagement. Further, the Petitioner has worked for more than 480 days in a period of 24 calendar month and therefore, as per Section 3 of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, he is entitled to regularisation. Hence, the Petitioner prays that an award may be passed directing the Respondent to regularise the services of the Petitioner from the year 1992 and consequently direct the Respondent to pay all monetary benefits, continuity of service and other attendant benefits.

4. As against this, the Respondent in its counter Statement contended that the Food Corporation of India departmental canteen is not a statutory canteen, canteen employees are governed by a separate, set of model rules. The employees of the canteen are under the control of canteen committee and not under the control of 1st Respondent. The Canteen Committee alone is the appointing authority for canteen employees and food Corporation of India is not the employer for canteen staff. No doubt as per instructions, 90 % subsidy is being given by the management to canteen committee and remaining 10 % to be met out from day to day sales of canteen. There is no employer-employee relationship between the 1st Respondent and canteen employees. The canteen committee alone has got powers to appoint canteen employees and the appointment of canteen employees are not made by Food Corporation of India management.. The allegation of the Petitioner that he is working from 1992 onwards continuously with the canteen without any break have to be proved by the Petitioner. Though the canteen committee appointed the Petitioner on daily rated basis and not for time scale and hence, the Petitioner is being paid wages only on working days by the canteen committee. The Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 is not applicable since the Respondent corporation is Central Government undertaking. Even though the Petitioner alleged that the canteen committee has recommended for regularisation of the Petitioner, the same is only an internal correspondence with 1st Respondent office and the Petitioner could not take any undue advantage out of it. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are.—

- (i) "Whether the action of the 1st and 2nd Respondents in not regularising the services of the Petitioner is legal and justified?"
- (ii) "To what relief the Petitioner is entitled?"

Point No. 1:—

6. The Petitioner alleged that he was engaged as a bearer to supply food items to the employees of the management from the year 1992 and he was working continuously without any break and therefore, his service is to be regularised by the Respondent. As against this, the Respondent contended that there is no relationship of employer-employee between the 1st Respondent and the Petitioner and the 2nd Respondent is only a canteen Committee which appointed the Petitioner as daily rated employees. Since the Food Corporation of India departmental canteen is not a statutory canteen and since the canteen employees are governed by a separate set of model rules, it cannot be said that the Petitioner is an employee under the 1st respondent namely Food Corporation of India. It is further contended on behalf of the respondent that employees of the canteen are under the control of canteen committee and not under the control of 1st Respondent and hence, the 1st Respondent prays to dismiss the claim of the Petitioner.

7. In order to substantiate the claim of the I party, the petitioner examined himself as WW1 and produced ten documents. Ex. W1 is the Xerox copy of the note of departmental canteen. Ex. W2 is the copy of note prepared by the canteen committee regarding regularisation of the Petitioner's service. Ex. W3 is the copy of the proceedings regarding regularisation of Petitioner's services dated 28-11-01. Ex. W4 is the copy of the note prepared by canteen committee regarding regularisation of Petitioner dated 15-1-2002. Ex. W5 is the copy of letter of 1st Respondent recommending regularisation of the Petitioner's service. Ex. W6 is the copy of letter recommending regularisation of Petitioner's service. Ex. W7 is the copy of note prepared by the 2nd Respondent to the and sent to Zonal Office dated 18-6-2002. Ex. W8 is the copy of service certificate given by the 1st Respondent to the Petitioner. Ex. W9 is the copy of rules regarding departmental canteen. Ex. W10 is the copy of identity card issued to the Petitioner.

8. Learned counsel for the Petitioner contended that though the Petitioner was employed by the canteen committee namely the 2nd Respondent, the said committee consists of all the members of the 1st Respondent and the committee is nominated by the 1st Respondent and they hold the office during the pleasure of the 1st Respondent. The capital of the canteen is fully funded by the 1st Respondent and though the appointment of staff to canteen is done by the committee, the Headquarters at New Delhi of 1st Respondent decides the strength of staff, pay, allowances etc. and the accounts of the canteen are audited by the 1st Respondent accounts department and 90% of the wages of canteen employees are paid by 1st Respondent as subsidy and remaining 10% is from the earning of the canteen. Further, the accommodation, furniture, utensils of the canteen are

provided by the 1st Respondent and electricity and water are provided to canteen by the 1st Respondent at free of cost. Thus, the canteen is run by the 1st Respondent and the employees of the canteen are employees of the 1st Respondent and the employees of canteen are working under direct supervision and control of the 1st Respondent. However, the 1st Respondent terming the employees employed in canteen to be employees of 2nd Respondent. In this case, the work done by the Petitioner is perennial in nature. For this canteen, there are 12 employees including the Petitioner. Only the Petitioner and N. Bakkiavathi are working on daily wage basis. It is admitted by the Respondent/Management that the 1st Respondent had been recommending to regularise the services of the Petitioner to Headquarters and further the Petitioner has also produced copy of letters written by canteen committee and also the 1st Respondent to regulate the services of the Petitioner. In a letter dated 7-3-2002 under Ex. W5 the 1st Respondent has recommended two temporary workers namely Smt. N. Bakkiavathy working right from 1987 onwards and the Petitioner Sri K. S. Arumugam working from 1992 have been repeatedly representing for regularisation of their service and due to various administrative reasons, their services could not be so far regularised and it also recommended that these two daily rated workers may be considered and suitable Headquarters orders thereon may kindly be communicated at an early date. From this, it is clear that the Petitioner has worked continuously for more than 480 days and he is also entitled to the benefits of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and therefore, he is entitled to regularisation. On the side of the Petitioner, one Smt. S. Parvathi was also examined as WW2, who was working as Assistant Manager (Accounts) in the 1st Respondent corporation and who was also working as a Treasurer of 2nd Respondent canteen from 1998 to May, 2004, has stated that the Petitioner has worked continuously from the year 1992 and she supports the contention of the Petitioner.

9. As against this, the Assistant Manager (General) of the 1st Respondent one Smt. T. Krishnaveni was examined on the side of the 1st Respondent and she has stated that the departmental canteen run by Food Corporation of India is not a statutory canteen and the employees are governed by separate set of model rules and they are not under the control of the Respondent/Management and they are under the control of Canteen Committee and the Canteen Committee alone is appointing authority for canteen employees and 1st Respondent/Food Corporation of India has no power to initiate departmental action against the canteen employees and there is no relationship of employer-employee between the 1st Respondent and the canteen employees and therefore, she deposed that the Petitioner is not entitled to regularisation.

10. Learned counsel for the Petitioner relied on the rulings reported in 2000 SCC (L & S) 471 Indian Overseas Bank Vs. IOB Staff Canteen Workers' Union and Another in which in the Central Office, Indian Overseas Bank at Madras Canteen facilities were provided to staff in the bank premises and initially the canteen was run through a contractor engaged by the management of the bank and subsequently, on the representation of the union, the Respondent/Bank agreed for floating a co-operative society to run the canteen and the Central Office of the bank agreed to provide infrastructural facility such as premises, furniture, utensils, electricity, cost of fuel subject to a certain limit, in addition to providing oven and burners, wash basin, gas and cylinders and a subsidy @ Rs. 12.50 per member of the staff using the canteen. All the promoters of co-operative canteen were actually serving members of the staff of the bank. The staff required were employed by promoters who were administering the canteen. The canteen was being run only with the funds provided exclusively by the Central Office and the amounts realised from day to day receipts. However, despite increased contributions from the Central Office, the canteen was not able to meet its financial requirements, the bank decided to close the said canteen and the canteen workers raised a dispute wherein the Supreme Court has held that "*standards and nature of tests to be applied for finding out the existence of master and servant relationship cannot be confined to or concretised into fixed formula for universal application, invariably in all class or category of cases. Though some common standards can be devised, the merely availability of any one or more or their absence in a given case cannot by itself be held to be decisive of the whole issue, since it may depend upon each case to case and the peculiar device adopted by the employer to get his needs fulfilled without rendering him liable. That being the position, in order to safeguard the welfare of the workmen, the veil may have to be pierced to get at the realities. Therefore, it would be not only impossible but also not desirable to lay down abstract principles or rules to serve as a ready reckoner for all situations and thereby attempt to compartmentalise and peg them into any pigeonhole formulae to be insisted upon as proof of such relationship.*" In that case, the Supreme Court has also held that "*materials placed on record also highlight the position that the bank was always conscious of the fact that the provision and availing of canteen services by staff are not only essential but would help to contribute to the efficiency of the service by the employees of the bank. That it was restricted to the employees only, that the subsidy rate per employee was being also provided and the working hours and working days of the canteen located in the very bank buildings were strictly those of the bank and the further fact that no part of the capital required to run the same was contributed by anybody else either the promoters or staff using the canteen are factors which strengthen the*

claim of workers. It was also on evidence that canteen workers were enlisted under a Welfare Fund Scheme of bank besides making them eligible for periodical medical check up by Doctors of the bank and cumulative effect of such facts provided sufficient basis for recording of findings by the Tribunal as well as Division Bench of High Court ultimately to sustain the claim of workers in the instant case." Relying on this judgement, learned counsel for the Petitioner argued that the said decision squarely applies to the facts of this case. In this case also though the 1st Respondent has formulated rules for running canteen separately and though the canteen committee had taken care of the affairs of canteen, all the members and office bearers of the canteen are employees of 1st Respondent and that committee is nominated by the 1st Respondent and they hold the office during the pleasure of the 1st Respondent and the capital of the canteen is fully funded by 1st Respondent. Though the appointment of staff to the canteen is done by the canteen committee, the headquarters of 1st Respondent at New Delhi alone has decided the strength of staff, pay and allowances etc. Further, the accounts of the canteen are audited by the 1st Respondent accounts department and 90% of wages of canteen employees were paid by 1st Respondent as subsidy and remaining 10% from the earning of the canteen. Further, the accommodation, furniture, utensils are provided by the 1st Respondent and electricity and water was provided to canteen at free of cost. Thus, the canteen is run by the 1st Respondent and the employees working in canteen are employees of 1st Respondent. Though the employees are appointed by canteen committee, the employees are working under the direct supervision and control of 1st Respondent and therefore, they are employees of 1st Respondent alone. The next decision relied on by the learned counsel for the Petitioner is 2001 SCC (L & S) 227 VST Industries Vs. VST Industries Workers' Union and Another wherein the Supreme Court had to consider whether the canteen employees be treated as workman of the company, in which the Supreme Court has held that "*appellant company*" is incorporated under Companies Act, 1956 and pursuant to Section 46 of Factories Act, a canteen had been provided in the factory premises of appellant company upto 1982 and only from 1982 onwards the management of the canteen had been entrusted to a private contractor. Even after change of contractor, the canteen workers have continued to be the same person irrespective of the change in the contractors from time to time and wages were paid to workmen in the canteen by the Management through contractor. The appellant has provided accommodation, furniture, fuel, electricity, utensils etc. and the management exercises control over the standard in quality, quantity and rate of food items supplied to workmen for whose benefit the canteen is established. The Industrial Tribunal enquired into the matter and recorded the findings that canteen was working for the benefit of workmen within

the premises provided by and with the equipment supplied by the appellant. The contributions like, ESI, PF etc. had also been categorically specified to be provided by the appellant and ESI code for permanent establishment and for the present workmen was the same, that after the evidence was tendered by the workmen, the Tribunal held that these facts clearly indicated that the appellant exercised administrative, financial and disciplinary control over the workmen in question and that no other material is required to hold them to be employees of the appellant.” In that case, the Supreme Court also held that “incidental to that activity there is an obligation under Section 46 of the Act to set up a canteen when the establishment has more than 250 workmen that means it is a condition of service in relation to a workman providing better facilities to workmen to discharge their duties properly and maintain their own health or welfare. It is only a labour welfare device for the benefit of its workforce unlike a provision where Pollution Control Act makes it obligatory even on a private company not to discharge certain effluents.” Those circumstances clearly indicate that the appellant has complete control over the activities in respect of canteen and the contractor has absolutely no discretion either in regard to the menu, quality and quantity of the food items much less the rate at which the same are supplied to workmen. When the management company exercise such a complete control, the canteen shall be deemed to be run by management itself” and it held that Respondents have a strong case on merits. Learned counsel for the Petitioner further relied on the rulings reported in 2000 SCC (L & S) 884 G. B. Pant University of Agriculture And Technology Vs. State of U. P. And Others wherein the Supreme Court while considering the case with regard to workers of cafeteria established in the agricultural university, has held that “residential university having a canteen facility and the inmates of hostel not being permitted to have food from outside cannot possibly be said to be a mere welfare service to the students. It is a requirement of regulations framed under the Act and thus having statutory sanction and force. The involvement of vice Chancellor, the warden and Food Managers who admittedly all belong to university as employees thereof cannot negate the cry of labour force asking for a parity with other employees of the university.”

11. As against this, the learned counsel for the Respondent contended that the Petitioner relied on the employees of statutory canteen and this being a non-statutory canteen, it cannot be equated to statutory canteen and he relied on the rulings reported in AIR 1996 SC 1241 EMPLOYERS IN RELATION TO MANAGEMENT OF RBI VS. THEIR WORKMEN, wherein Three Members

Bench of Supreme Court has held in a similar case, wherein RBI has been providing canteen facility to Class 3 and 4 employees, in the office of the RBI the canteens are run either by implementation committee (canteen committee) or co-operative society or contractors. In all the three different categories of canteens the bank was making grants by way of subsidy at 95% of costs incurred by canteens for payment of salary, PF Contribution, gratuity, uniform etc. besides providing fuel, water, fixtures, utensils, furniture, electricity, premises etc. free of charge. In that the question was whether the employees engaged in these canteens were workman of RBI. Similarly, the management in that case contended that the management of RBI is not responsible for employment of persons in the canteen and they are employed by implementation committee (canteen committee) and the bank does not supervise or control the working of canteens or supply of eatables to employees and the employees are not under an obligation to purchase eatables from canteen and there is no relationship of master and servant between the bank and various persons employed in the canteens. The bank does not carry any trade or business in the canteen. The staff canteens are established only as a welfare measure and considering all these contentions, the Supreme Court has held that “we are of the view that in the absence of any obligation statutory or otherwise regarding running of canteen by the bank and details relating thereto similar to Factories Act or Railway Establishment Manual and in the absence of any effective or direct control in the bank to supervise and control the work done by various persons, the workers in the canteen run by the implementation committee (canteen committee) cannot come within the ratio laid down by laid this Court in M. M. R Khan’s case.” Therefore, the demand for regularisation is unsustainable and they are not entitled to any relief. Strongly relying on this decision, learned counsel for the Respondent contended that this Supreme Court judgement squarely applies to the facts of this case and this canteen run by the canteen committee is not a statutory canteen and they are controlled by canteen committee members and the 1st Respondent/Management did not supervise or control the working of canteen and supply of eatables to employees and canteen employees were not under the direct control and supervision of 1st Respondent/Management and hence, they are not entitled to the claim of regularisation.

12. But, as against this, learned counsel for the Petitioner contended that though the Respondent has relied on the rulings reported in AIR 1996 SC 1241 RBI’S case, as the Supreme Court held in 2000 SCC (L&S) 471 namely INDIAN OVERSEAS BANK VS. ITS STAFF

CANTEEN WORKERS' UNION that "all the office bearers and members of canteen committee in the Respondent/Management are serving employees of the Respondent/Bank" and in this case, though the staff were employed by canteen committee, the canteen was run only with the funds provided exclusively by the 1st Respondent/Management and since the canteen committee cannot act independently with regard to the administration of canteen, it should be presumed that the canteen is under the control and supervision of the 1st Respondent/Management alone. Further, the staff canteen is established only as a welfare measure and though the employees of the canteen were appointed by canteen committee, without the approval of Head Office of the 1st Respondent at New Delhi, appointment cannot be made by the 2nd Respondent, hence it should be presumed that the employees of canteen were under the direct control and supervision of the 1st Respondent/Management alone. It is further contended that the accounts of the canteen are audited by the 1st Respondent accounts section and therefore, it is only under the supervision of the 1st Respondent alone and not under canteen committee.

13. I find much force in the contention of the learned counsel for the Petitioner as the Supreme Court has held that test to determine employer-employee relationship, there cannot be a fixed formula. From the facts and circumstances of this case, I hold that though the employees of the 1st Respondent canteen were appointed by the canteen committee, the 1st Respondent alone has enforced all acts through canteen committee and it should be that only the 1st Respondent is managing the canteen through canteen committee and therefore, all the factors cumulatively direct for the finding that the Petitioner is the employee of the 1st Respondent/Management and therefore, the action of the 1st Respondent in not regularising the services of the Petitioner is not legal and justified.

POINT NO.2

The next point to be decided in this case is to what relief the Petitioner is entitled?

14. In view of my foregoing findings that the action of the Respondent/Management in not regularising the services of the Petitioner is not legal and justified, I find the Petitioner is entitled to the relief as prayed for. Therefore, I direct the Respondents to regularise the services of the Petitioner as bearer and to pay all the monetary benefits with continuity of service, other attendant benefits forthwith. No costs.

15. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th January 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : WW1 Sri K. S. Arumugam
WW2 Smt. S. Parvathi

For the II Party/ Management : MW1 Smt. T. Krishnaveni

Documents Marked :—

For the I Party/Claimant :—

Ex.No.	Date	Description
W1	28-07-00	Xerox copy of the note of departmental canteen
W2	15-11-00	Xerox copy of the note regarding regularization of Petitioner's service
W3	28-11-01	Xerox copy of the proceedings regarding regularization of Petitioner's service
W4	15-01-02	Xerox copy of the note regarding regularization of Petitioner's service
W5	07-03-02	Xerox copy of the letter of 1st Respondent recommending Regularisation of Petitioner's service
W6	05-06-02	Xerox copy of the letter recommending Regularization of Petitioner's service.
W7	18-06-02	Xerox copy of the note recommending regularization of Petitioner's service
W8	Nil	Xerox copy of the certificate of employment
W9	Nil	Xerox copy of the rules regarding departmental canteen
W10	Nil	Xerox copy of the identity card of the Petitioner

For the II Party Management :— Nil

नई दिल्ली, 5 मई, 2006

का. आ. 2152. —ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 424/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/05/2006 को प्राप्त हुआ था।

[सं. एल-22012/353/2003-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th May, 2006

S.O. 2152. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 424/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 04-05-2006.

[No. L-22012/353/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 4th January, 2006

PRESENT: K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 424/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Food Corporation of India and their workmen)

BETWEEN

Smt. N. Bakkiavathi : I Party/Petitioner
AND

The Zonal Manager, : II Party/Management
Food Corporation of India,
Z. O., Chennai.

APPEARANCE:

For the workman : M/s. Balan Haridas &
R. Kamatchi Sundaresan,
Advocates

For the Management : Mr. M. Imthias, Advocate

AWARD

The Central Government, Ministry of Labour vide Order No. No. L-22012/353/2003-IR(C-II) dated 03-11-2004 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows:—

"Whether the action of the management of Food Corporation of India, Zonal Officer, Chennai and FCI Departmental Canteen Committee, Zonal Office,

Chennai in not regularising the services of Smt. N. Bakkiavathi, Sweeper of FCI Departmental Canteen, Zonal Office, Chennai is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I. D. No. 424/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Food Corporation of India has office throughout India. In its various offices there are canteens providing food for employees. The type of canteen is classified based on number of employees working in that particular office. Similarly, the 1st Respondent has canteen in its zonal office at No. 2, Haddows Road and the 1st Respondent has formulated rules for running the canteen. The Managing committee consists of President, Vice-President, Secretary, Joint Secretary, Treasurer, Joint Treasurer and five members and they are all employee of the 1st Respondent. The committee is nominated by the 1st Respondent. The capital of canteen is fully funded by 1st Respondent. The appointment of staff to canteen though done by the committee, the headquarters of 1st Respondent at New Delhi decides the strength of staff, pay & allowances etc. and the accounts of canteen are audited by accounts department of the 1st Respondent. 90% of wages of canteen employees are paid by 1st Respondent as subsidy and remaining 10% is from the earning of canteen. The accommodation, furniture, utensils of canteen are provided by 1st Respondent and electricity and water provided to canteen is at free of cost. Thus, the canteen is run by the 1st Respondent and the employees working in the canteen are employees of 1st Respondent. The employees of canteen are working under direct control and supervision of 1st Respondent. Canteen was started in the year 1986 and at that point of time, there were above 500 employees and accordingly, canteen was categorised as B class by the 1st Respondent. The Petitioner was engaged as sweeper in the year 1987 to clean all the canteen facilities, cleaning utensils and other canteen related work. She is working continuously without any break and he is being paid on daily wage basis and paid wages for every month. Due to retirement, death and introduction of VRS, staff strength of 1st Respondent is reduced and consequently, the canteen is now under C type canteen. The work done by the Petitioner is perennial in nature. Further, the 1st Respondent taking note of work done by the Petitioner had recommended to regularise the services of the Petitioner to Head Office. Though the canteen committee had taken decision to regularise the services of the Petitioner, till now the services of Petitioner was not regularised. When there is vacancy and when the work done by the Petitioner is absolutely required, the Respondent has to regularise the services of the Petitioner.

The 2nd Respondent namely the canteen committee is part of the 1st Respondent and therefore, the Petitioner is entitled to regularisation in the post of sweeper from the date of her engagement. Further, the Petitioner has worked for more than 480 days in a period of 24 calendar months and therefore, as per section 3 of Tamil Nadu Industrial Establishment (Conferment of Permanent status to Workmen) Act, 1981, she is entitled to regularisation. Hence, the Petitioner prays that an award may be passed directing the Respondent to regularise the services of the Petitioner from the year 1987 and consequently direct the Respondent to pay all monetary benefits, continuity of service and other attendant benefits.

4. As against this, the Respondent in its Counter Statement contended that the Food Corporation of India departmental canteen is not a statutory canteen, canteen employees are governed by a separate set of model rules. The employees of the canteen are under control of canteen committee and not under the control of 1st Respondent. The Canteen Committee alone is the appointing authority for canteen employees and Food Corporation of India is not the employer for canteen staff. No doubt, as per instructions, 90% subsidy is being given by the management to canteen committee and remaining 10% to be met out from day to day sales of canteen. There is no employer-employee relationship between the 1st Respondent and canteen employees. The canteen committee alone has got powers to appoint canteen employees and the appointment of canteen employees are not made by Food Corporation of India management. The allegation of the Petitioner that she is working from 1987 onwards continuously with the canteen without any break have to be proved by the Petitioner. Though the canteen committee appointed the Petitioner on daily rated basis and not for time scale and hence, the Petitioner is being paid wages only on working days by the canteen committee. The Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 is not applicable since the Respondent corporation is a Central Govt. Undertaking. Even though the Petitioner alleged that the canteen committee has recommended for regularisation of the services of Petitioner, the same is only an internal correspondent with 1st Respondent office and the Petitioner could not take any advantage out of it. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

- (i) "Whether the action of the 1st and 2nd Respondents in not regularising the services of the Petitioner is legal and justified?"
- (ii) "To What relief the Petitioner is entitled?"

Point No. 1 :—

6. The Petitioner alleged that he was engaged as a sweeper to clean the utensils of canteen and other canteen related works from the year 1987 and she was working

continuously without any break and therefore, her services are to be regularised by the Respondent. As against this, the Respondent contended that there is no relationship of employer-employee between the 1st Respondent and the Petitioner and the 2nd Respondent is only a canteen committee which appointed the Petitioner as daily rated employee. Since the Food Corporation of India departmental canteen is not a statutory canteen and since the canteen employees are governed by a separate set of model rules, it cannot be said that the Petitioner is an employee under the 1st Respondent namely Food Corporation of India. It is further contended on behalf of the Respondent that employees of the canteen are under the control of canteen committee and not under the control of 1st Respondent and hence, the 1st Respondent prays to dismiss the claim of the Petitioner.

7. In order to substantiate the claim of the I party, the Petitioner examined herself as WW1 and produced nine documents. Ex. W1 is the xerox copy of the note of departmental canteen. Ex. W2 is the copy of note prepared by the canteen committee regarding regularisation of the Petitioner's service. Ex. W3 is the copy of the proceedings regarding regularisation of Petitioner's service dated 28-11-01. Ex. W4 is the copy of the note prepared by canteen committee regarding regularisation of Petitioner dated 15-1-2002. Ex. W5 is the copy of letter of 1st Respondent recommending regularisation of the Petitioner's service. Ex. W6 is the copy of letter recommending regularisation of Petitioner's service. Ex. W7 is the copy of note prepared by the 2nd Respondent to the and sent to Zonal Office dated 18-6-02. Ex. W8 is the copy of service certificate given by the 1st Respondent to the Petitioner. Ex. W9 is the copy of rules regarding departmental canteen.

8. Learned counsel for the Petitioner contended that though the petitioner was employed by the canteen committee namely the 2nd Respondent, the said committee consists of all the members of the 1st Respondent and the committee is nominated by the 1st Respondent and they hold the office during the pleasure of the 1st Respondent. The capital of the canteen is fully funded by the 1st Respondent and though the appointment of staff to canteen is done by the committee, the Headquarters at New Delhi of 1st Respondent decides the strength of staff, pay, allowances etc. and the accounts of the canteen are audited by the 1st Respondent accounts department and 90% of the wages of canteen employees are paid by 1st Respondent as subsidy and remaining 10% is from the earning of the canteen. Further, the accommodation, furniture, utensils of the canteen are provided by the 1st Respondent and electricity and water are provided to canteen by the 1st Respondent at free of cost. Thus, the canteen is run by the 1st Respondent and the employees of the canteen are employees of the 1st Respondent and the employers of canteen are working under direct supervision and control of the 1st Respondent. However, the 1st Respondent terming the employees employed in canteen to be employees

of 2nd Respondent. In this case, the work done by the Petitioner is perennial in nature. For this canteen, there are 12 employees including the Petitioner. Only the Petitioner and Mr. K. S. Arumugam are working on daily wage basis. It is admitted by the Respondent/Management that the 1st Respondent had been recommending to regularise the services of the Petitioner to Headquarters and further, the Petitioner has also produced copy of letters written by canteen committee and also the 1st Respondent to regularise the services of the Petitioner. In a letter dated 7-3-2002 under Ex. W5 the 1st Respondent has recommended two temporary workers namely the Petitioner, working right from 1987 onwards and Sri K.S. Arumugam working from 1992 have been repeatedly representing for regularisation of their service and due to various administrative reasons, their services could not be so far regularised and it also recommended that these two daily rated workers may be considered and suitable Headquarters orders thereon may kindly be communicated at an early date. From this, it is clear that the Petitioner has worked continuously for more than 480 days and he is also entitled to the benefits of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and therefore, she is entitled to regularisation. On the side of the Petitioner, one Smt. S. Parvathi was also examined as WW2, who was working as Assistant Manager (Accounts) in the 1st Respondent corporation and who was also working as a Treasurer of 2nd Respondent canteen from 1998 to May, 2004, has stated that the Petitioner has worked continuously from the year 1987 and she supports the contention of the Petitioner.

9. As against this, the Assistant Manager (General) of the 1st Respondent one Smt. T. Krishnaveni was examined on the side of the 1st Respondent and she has stated that the departmental canteen run by food Corporation of India is not a statutory canteen and the employees are governed by separate set of model rules and they are not under the control of the Respondent/Management and they are under the control of Canteen Committee and the Canteen Committee alone is appointing authority for canteen employees and 1st Respondent/Food Corporation of India has no power to initiate departmental action against the canteen employees and there is no relationship of employer-employee between the 1st Respondent and the canteen employees and therefore, she deposed that the Petitioner is not entitled to regularisation.

10. Learned counsel for the petitioner relied on the rulings reported in 2000 SCC (L & S) 471 INDIAN OVERSEAS BANK Vs. IOB STAFF CANTEEN WORKERS' UNION AND ANOTHER in which in the Central Office, Indian Overseas Bank at Madras Canteen facilities were provided to staff in the bank premises and initially the canteen was run through a contractor engaged by the management of bank and subsequently, on the representation of the union, the Respondent/Bank agreed for floating a co-operative society to run the canteen and the Central Office of the bank agreed to provide infrastructural facility such as premises, furniture, utensils, electricity, cost of fuel subject to a certain limit, in addition to providing oven and burners, wash basin, gas and cylinders and a subsidy @ Rs. 12.50 per member of the staff

using the canteen. All the promoters of co-operative canteen were actually serving members of the staff of the bank. The staff required were employed by promoters who were administering the canteen. The canteen was being run only with the funds provided exclusively by the Central Office and the amounts realised from day to day receipts. However, despite increased contributions from the Central Office, the canteen was not able to meet its financial requirements, the bank decided to close the said canteen and the canteen workers raised a dispute wherein the Supreme Court has held that "standards and nature of tests to be applied for finding out the existence of master and servant relationship cannot be confined to or concretised into fixed formula for universal application, invariably in all class or category of cases. Though some common standards can be devised, the merely availability of any one or more or their absence in a given case cannot by itself be held to be decisive of the whole issue, since it may depend upon each case to case and the peculiar device adopted by the employer to get his needs fulfilled without rendering him liable. That being the position, in order to safeguard the welfare of the workmen, the veil may have to be pierced to get at the realities. Therefore, it would be not only impossible but also not desirable to lay down abstract principles or rules to serve as a ready reckoner for all situations and thereby attempt to compartmentalise and peg them into any pigeonhole formulae to be insisted upon as proof of such relationship." In that case, the Supreme Court has also held that "materials placed on record also highlight the position that the bank was always conscious of the fact that the provision and availing of canteen services by staff are not only essential but would help to contribute to the efficiency of the service by the employees of the bank. That it was restricted to the employees only, that the subsidy rate per employee was being also provided and the working hours and working days of the canteen located in the very bank buildings were strictly those of the bank and the further fact that no part of the capital required to run the same was contributed by anybody else either the promoters or staff using the canteen are factors which strengthen the claim of workers. It was also on evidence that canteen workers were enlisted under a Welfare Fund Scheme of bank besides making them eligible for periodical medical check up by doctors of the bank and cumulative effect of such facts provided sufficient basis for recording of findings by the Tribunal as well as Division Bench of High Court ultimately to sustain the claim of workers in the instant case." Relying on this judgement, learned counsel for the Petitioner argued that the said decision squarely applies to the facts of this case. In this case also though the 1st Respondent has formulated rules for running canteen separately and though the canteen committee had taken care of the affairs of canteen, all the members and office bearers of the canteen are employees of 1st Respondent and that committee is nominated by the 1st Respondent and they hold the office during the pleasure of the 1st Respondent and the capital of the canteen is fully funded by 1st Respondent. Though the appointment of staff to the canteen is done by the canteen committee, the headquarters of 1st Respondent at New Delhi alone has decided the strength of staff, pay and allowances etc. Further, the accounts of the canteen are audited by the 1st

Respondent accounts department and 90% of wages of canteen employees were paid by 1st Respondent as subsidy and remaining 10% from the earning of the canteen. Further, the accommodation, furniture, utensils are provided by the 1st Respondent and electricity and water was provided to canteen at free of cost. Thus, the canteen is run by the 1st Respondent and the employees working in canteen are employees of 1st Respondent. Though the employees are appointed by canteen committee, the employees are working under the direct supervision and control of 1st Respondent and therefore, they are employees of 1st Respondent alone. The next decision relied on by the learned counsel for the Petitioner is 2001 SCC (L & S) 227 VST Industries Vs. VST Industries Workers' Union and another wherein the Supreme Court had to consider whether the canteen employees be treated as workmen of the company, in which the Supreme Court has held that "appellant company is incorporated under Companies Act, 1956 and pursuant to Section 46 of Factories Act, a canteen had been provided in the factory premises of appellant company upto 1982 and only from 1982 onwards the management of the canteen had been entrusted to a private contractor. Even after change of contractor, the canteen workers have continued to be the same person irrespective of the change on the contractors from time to time and wages were paid to workmen in the canteen by the Management through contractor. The appellant has provided accommodation, furniture, fuel, electricity, utensils etc. and the management exercises control over the standard in quality, quantity and rate of food items supplied to workmen for whose benefit the canteen is established. The Industrial Tribunal enquired into the matter and recorded the findings that canteen was working for the benefit of workmen within the premises provided by and with the equipment supplied by the appellant. The contributions like ESI, PF etc. had also been categorically specified to be provided by the appellant and ESI code for permanent establishment and for the present workmen was the same, that after the evidence was tendered by the workmen, the Tribunal held that these facts clearly indicated that the appellant exercised administrative, financial and disciplinary control over the workmen in question and that no other material is required to hold them to be employees of the appellant." In that case, the Supreme Court also held that "incidental to that activity there is an obligation under Section 46 of the Act to set up a canteen when the establishment has more than 250 workmen that means it is a condition of service in relation to a workman providing better facilities to workmen to discharge their duties properly and maintain their own health or welfare. It is only a labour welfare device for the benefit of its workforce unlike a provision where Pollution Control Act makes it obligatory even on a private company not to discharge certain effluents. Those circumstances clearly indicate that the appellant has complete control over the activities in respect of canteen and the contractor has absolutely no discretion either in regard to the menu, quality and quantity of the food items much less the rate at which the same are supplied to workmen. When the management company exercise such a complete control, the canteen shall be deemed to be run by management itself" and it held that Respondents have a strong case on merits. Learned counsel

for the Petitioner further relied on the rulings reported in 2000 SCC (L & S) 884 G. B. Pant University of Agriculture and Technology Vs. State of U. P. and others wherein the Supreme Court while considering the case with regard to workers of cafeteria established in the agricultural university, has held that "residential university having a canteen facility and the inmates of hostel not being permitted to have food from outside cannot possibly be said to be a mere welfare service to the students. It is a requirement of regulations framed under the Act and thus having statutory sanction and force. The involvement of Vice Chancellor, the warden and Food Managers who admittedly all belong to university as employees thereof can not negate the cry of labour force asking for a parity with other employees of the university."

11. As against this, the learned counsel for the Respondent contended that the Petitioner relies on the employees of statutory canteen and this being a non-statutory canteen, it cannot be equated to statutory canteen and he relied on the rulings reported in AIR 1996 SC 1941 Employers in relation to management of RBI Vs. their workmen, wherein three members Bench of Supreme court has held in a similar case, wherein RBI has been providing canteen facility to Class 3 and 4 employees, in the office of the RBI the canteens are run either by implementation committee (canteen committee) or co-operative society or contractors. In all the three different categories of canteens the bank was making grants by way of subsidy at 95% of costs incurred by canteens for payment of salary, PF contribution, gratuity, uniform etc. besides providing fuel, water, fixtures, utensils, furniture, electricity, premises etc. free of charge. In that the question was whether the employees engaged in these canteens were workmen of RBI. Similarly, the management, in that case contended that the management of RBI is not responsible for employment of persons in the canteen and they are employed by implementation committee (canteen committee) and the bank does not supervise or control the working of canteens or supply of eatables to employees and the employees are not under an obligation to purchase eatables from canteen and there is no relationship of master and servant between the bank and various persons employed in the canteens. The bank does not carry any trade or business in the canteen. The staff canteens are established only as a welfare measure and considering all these contentions, the Supreme Court has held that "we are of the view that in the absence of any obligation statutory or otherwise regarding running of canteen by the bank and details relating thereto similar to Factories Act or Railway Establishment Manual and in the absence of any effective or direct control in the bank to supervise and control the work done by various persons, the workers in the canteen run by the implementation committee (canteen committee) cannot come within the ratio laid down by this Court in M. M. R. Khan's case." Therefore, the demand for regularisation is unsustainable and they are not entitled to any relief. Strongly relying on this decision, learned counsel for the Respondent contended that this Supreme Court judgement squarely applies to the facts of this case and this canteen run by the canteen committee is not as statutory canteen and they are controlled by canteen committee members and the 1st Respondent/Management did not supervise or control the working of canteen and supply of eatables to employees and canteen employees

were not under the direct control and supervision of 1st Respondent/Management and hence, they are not entitled to the claim of regularisation.

12. But, as against this, learned counsel for the Petitioner contended that though the Respondent has relied on the rulings reported in AIR 1996 SC 1241 RBI's case, as the Supreme Court held in 2000 SCC (L & S) 471 namely Indian Overseas Bank Vs. its Staff Canteen Workers' Union that "all the office bearers and members of canteen committee in the Respondent/Management are serving employees of the Respondent/Bank" and in this case, though the staff were employed by canteen committee, the canteen was run only with the funds provided exclusively by the 1st Respondent/Management and since the canteen committee cannot act independently with regard to the administration of canteen, it should be presumed that the canteen is under the control supervision of the 1st Respondent/Management alone. Further, the staff canteen established only as a welfare measure and though the employees of the canteen were appointed by canteen committee, without the approval of Head Office of the 1st Respondent at New Delhi, appointment cannot be made by the 2nd Respondent, hence it should be presumed that the employees of canteen were under the direct control and supervision of the 1st Respondent/Management alone. It is further contended that the accounts of the canteen are audited by the 1st Respondent accounts section and therefore, it is only under the supervision of the 1st Respondent alone and not under canteen committee.

13. I find much force in the contention of the learned counsel for the Petitioner as the Supreme Court has held that for a test to determine employer-employee relationship, there cannot be a fixed formula. From the facts and circumstances of this case, I hold that though the employees of the 1st Respondent canteen were appointed by the canteen committee, the 1st Respondent alone has enforced all acts through canteen committee and it should be that only the 1st Respondent is managing the canteen through canteen committee and therefore, all the factors cumulatively direct for the finding that the Petitioner is the employee of the 1st Respondent/Management and therefore, the action of the 1st Respondent in not regularising the services of the Petitioner is not legal and justified.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

14. In view of my foregoing findings that the action of the Respondent/Management in not regularising the services of the Petitioner is not legal and justified, I find the Petitioner is entitled to the relief as prayed for. Therefore, I direct the Respondents to regularise the services of the Petitioner as sweeper and to pay all the monetary benefits with continuity of service, other attendant benefits forthwith. No Costs.

15. Thus, the reference is answered accordingly.
(Dictated to the P. A transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th January, 2006)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/ Petitioner : WW1 Smt. N. Bakkiavathi
WW2 Smt. S. Paarvathi

For the II Party/ Management : MW1 Smt. T. Krishnaveni

Documents Marked :—

For the I Party/Claimant :—

Ex.No.	Date	Description
W1	28-07-00	Xerox copy of the note of departmental canteen
W2	15-11-00	Xerox copy of the note regarding regularization of Petitioner's service
W3	28-11-01	Xerox copy of the proceedings regarding regularization of Petitioner's service
W4	15-01-02	Xerox copy of the Note regarding regularization of Petitioner's service
W5	07-03-02	Xerox copy of the letter of 1st Respondent recommending Regularization of Petitioner's service
W6	05-06-02	Xerox copy of the letter recommending Regularization of Petitioner's Service
W7	18-06-02	Xerox copy of the note recommending Regularization of Petitioner's Service
W8	Nil	Xerox copy of the certificate of employment
W9	Nil	Xerox copy of the rules regarding departmental canteen
W10	Nil	Xerox copy of the identity card of the Petitioner.

For the II Party/Management :—Nil

नई दिल्ली 5 मई, 2006

का. आ. 2153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 36/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/05/2006 को प्राप्त हुआ था।

[सं. एल-42012/170/2002-आई आर (सी-II)

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 5th May, 2006

S.O. 2153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Central Silk Board, National Silkworm Seed Project and their workmen, received by the Central Government on 04-05-2006.

[No.L-42012/170/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Monday, the 27th February, 2006

Present : K. Jayaraman, Presiding Officer

Industrial Dispute No. 36/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Central Silk Board and their workman)

BETWEEN

Sri C. Shakthivel : I Party/Petitioner

AND

The Director, : II Party/Management
Central Silk Board,
National Silkworm Seed Project,
Bangalore.

Appearance:

For the Workman : M/s. Row & Reddy,
Advocates

For the Management : M/s. D. Balaraman,
Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L.-42012/170/2002-IR(C-II) dated 11-02-2003 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows :—

“Whether the action of the management of Central Silk Board, National Silkworm Seed Project in terminating the services of Shri Shakthivel is legal and justified? If not, to what relief the workman is entitled?”

2. After the receipt of the reference, it was taken on file as I. D. No. 36/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner was appointed as Chowkidar in the office of the Respondent on 20-12-1988. While so, on 17-6-97, a memo was issued against the Petitioner stating that while joining the service as Chowkidar on 4-1-89, the Petitioner has submitted a fake educational certificate obtained from the Headmaster of Panchayat Union Girisamudram with mala fide intention to secure a job. Thereafter, a departmental enquiry was ordered against him. In that, a farce of enquiry was conducted and the Enquiry Officer proceeded on the footing that the Petitioner

has confessed before the 1st witness of the management that he had obtained fake educational certificate from Panchayat Union Girisamudram School through one Mr. G. Kandaswamy, who is no more. After the report filed by the Enquiry Officer, the Disciplinary Authority issued a show cause notice asking why his services should not be terminated and after the Petitioner has given a reply, the Disciplinary Authority passed an order dated 23-9-99 dismissing the Petitioner from services of the Board. The Petitioner has not committed any misconduct. His educational qualification is IV standard and his original name was C. Kali. Further at the point of time, the work in charge Officer of BSF, Yelagiri Hills got the name of Petitioner entered as Shakthivel, since there were several persons in the name of Kali. But, the Enquiry Officer with biased attitude without analysing the truth had held that the Petitioner has committed the charges levelled against him. The management did not examine any school authorities to show that the certificate produced by the Petitioner at the time of admission is a fake document. Therefore, it is against the principles of natural justice for not examining the school authorities. The Enquiry Officer, Disciplinary Authority and Appellate Authority have not at all discussed the evidence which was favourable to the Petitioner. Thus their action shows the biased and mala fide intention in holding the Petitioner guilty. Even assuming without admitting that the charges levelled against him are true, the dismissal of Petitioner from service is disproportionate to the charges. Therefore, the Petitioner prays this Tribunal to interfere under Section 11A of the Act with regard to quantum of punishment. Hence, for all these reasons, the Petitioner prays that an award may be passed setting aside the order of termination and direct the Respondent to reinstate the Petitioner into service with back wages, continuity of service and other attendant benefits.

4. As against this, the Respondent contended in the counter Statement that the Petitioner is not a workman in terms of definition of workman under I.D. Act. Further, even the Petitioner has got any grievance against the orders passed by the authorities, he has to approach the appropriate forum and not this Tribunal. Therefore, the above dispute is not maintainable and the same is liable to be rejected. No doubt, the Petitioner joined as Chowkidar during January, 1989 and at that time the Petitioner has to produce his original educational certificate for verification, but he has not produced the original certificate. On enquiry, he has stated that he had lost the certificate during transit and lodged a complaint in local police station. Subsequently, the Petitioner informed that police authorities informed that certificate is yet to be traced out and if it is found the same will be intimated. But, on enquiry from the police authorities, they have stated that it was reported undetectable and issued a notice to that effect. Further, the Respondent/Management

enquired the Headmaster of Panchayat Union Middle School at Girisamudram about the educational certificate produced by the Petitioner and the Headmaster in his letter dated 27-2-96 informed that entries made in the record sheet of the Petitioner is not reflected in the school records and therefore, show cause notice has been issued to the Petitioner calling for his explanation for production of fake certificate at the time of joining the service for securing the job. Further, one Mr. P.S. Raghavan, Assistant Secretary, Administration was also appointed to conduct personal hearing in the above said matter to submit his detailed reply. The said person has been visited SSPC, Tirupattur on 25th & 26th July, 1996 and conducted personal hearing and submitted a detailed report to the Director in which he has stated that record sheet produced by the Petitioner has not relevance with the records maintained by the said school and the same found to be a false one. Further, as per records in the school, one Sri R. Soma Gounder as mentioned in the certificate produced by the Petitioner, was not at all working either as a teacher or Headmaster in the said school during 1971. Further, it is revealed that Sri R. Soma Gounder was worked as an assistant during the year 1979-80. Therefore, it is clearly established in the enquiry that the certificate produced by the Petitioner was false and fake one. It is also revealed that native place of the Petitioner is Nilavoor village and they orally deposed that original name of the Petitioner was Kali and not Shakthivel. The Petitioner studied only in Nilavoor village and joined as casual labour at basic seed farm, Yelagiri Hills. While the Enquiry Officer has enquired in Nilavoor village, it was informed that Mr. Kali S/o. Chinnappan had studied only 1st standard on 23-6-66 and failed in 2nd standard on 1-6-67 and thereafter he never attended the school. When the Enquiry Officer held personal hearing, the Petitioner confessed that he did not study in Girisamudram village school upto 4th standard. He also confessed that the said certificate was produced to get appointment and he deposed that he made some arrangement to obtain such certificate through a teacher who known to him. Thus, the preliminary investigation revealed that the Petitioner had produced a fake certificate to get an appointment from the Respondent board. Based on this, the Respondent framed a charge against the Petitioner in his proceedings dated 17-6-97. The Enquiry Officer was appointed by the Respondent to conduct the enquiry and the enquiry was conducted as per Central Civil Service (Classification, Control & Appeal) Rules, 1965 by providing a reasonable opportunity to the Petitioner to defend the charges levelled against him and after enquiry, the Enquiry Officer has submitted his report to the Disciplinary Authority on 7-7-99. In that report, it is clearly stated by the Enquiry Officer that the charges levelled against the Petitioner were proved and fully established beyond reasonable doubt. After following the procedure and after carefully examining the evidence on record, the Disciplinary Authority had come to the conclusion that the

misconduct proved on the Petitioner was very grave in nature and as such he was not fit to be retained in service of the board and imposed the penalty of dismissal from service *vide* order dated 23-9-99. The appeal preferred by the Petitioner against that order was also disposed of by the Appellate Authority by dismissing that appeal. It is false to allege that Enquiry Officer has not given any reasonable opportunity by providing copies of documents. It is clearly established in the enquiry that educational certificate produced by the Petitioner is clearly a fabricated one. The Petitioner having produced fake educational certificate and got employment and after a detailed enquiry found guilty cannot blame the Enquiry Officer or Disciplinary Authority and the allegation that authorities are biased and with *malafide* intention held that Petitioner was guilty are contrary to facts and records. Since the Petitioner committed a grave misconduct by producing fake educational certificate and got employment, he deserved for major punishment and he is not entitled any indulgence from this Tribunal under Section 11A of the I.D. Act. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

- (i) "Whether the action of the Respondent/Management in terminating the services of the Petitioner is legal and justified?"
- (ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. The charge framed against the Petitioner in this case is that the Petitioner who was working as Chowkidar has submitted a fake educational certificate alleged to have been obtained from Panchayat Union Middle School, Girisamudram village, Vaniyambadi, though he did not study in the said school, with a *malafide* intention to secure Government appointment and since the act of the Petitioner is very serious in nature and considered as a serious misconduct, the charge sheet was issued to him. It is evident from the records produced by the Respondent/Management that enquiry was conducted against the Petitioner and in that the Enquiry Officer held that charge framed against the Petitioner has been proved beyond any reasonable doubt. Subsequently, the Disciplinary Authority after going through the records and after following the procedure has imposed the punishment of dismissal from service of the Respondent/Management. As against this, the Petitioner preferred an appeal which was also dismissed. On the said of the Respondent one Mr. R. Radhakrishnan, Assistant Director SSPC was examined as MW1 and marked Ex. M1 to M24 namely proceedings of enquiry and also copy of record sheet of the Petitioner and other relevant documents.

7. Learned counsel for the Petitioner contended that the Petitioner has produced his original educational certificate at the time of his appointment as chowkidar in

the Respondent/Management and it was returned to him after verifying the same. Subsequently, seven years after the same, again the officers who are against the interest of the Petitioner had asked the Petitioner to produce the original educational certificate or record sheet for verification. The Petitioner has lost the same and therefore, he has given a complaint to the police. In the meantime, since the Petitioner has not produced the original certificate, investigation was conducted and the Respondent/Management has come to the conclusion that the certificate produced by the Petitioner is a fake one and framed charges and an enquiry was conducted for the same. But, the Petitioner has not done any misconduct and even assuming that he has done any mistake, the punishment imposed by the Respondent/Management namely dismissal from service is abnormal and it is not consonance with the charges framed against the Petitioner and learned counsel for the Petitioner wants this Tribunal to interfere with, the punishment under section 11A of the I.D. Act.

8. But, as against this, learned counsel for the Respondent contended that though the Petitioner has disputed the conduct of enquiry, it is clearly established before this Tribunal that the enquiry was conducted in a reasonable manner and opportunity was given to the Petitioner to defend his case and it is also clear from the records that the Petitioner participated in the enquiry without any murmur. Further, it is established that although the Petitioner admitted his guilt during the preliminary enquiry, an elaborate enquiry was conducted in accordance with the law giving an opportunity to the delinquent to defend his case. From Ex. M1 to M9 and M18 to 21, it is clear that Enquiry Officer after considering the entire records has held that charges levelled against the Petitioner has been proved beyond any reasonable doubt. It is established in the enquiry that the Petitioner has committed a grave misconduct by producing fake certificate and got employment and therefore, he deserves for major punishment and he is not entitled to any indulgence from this Tribunal under section 11A of the I.D. Act. It is well established from Ex. M12 which is a copy of attestation form in which it is stated that furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and is likely to render the candidate unfit for employment under the Govt. In that the Petitioner has mentioned that he has studied up to 4th standard in Panchayat Union Middle School, Girisamudram village in North Arcot District. But, in the preliminary enquiry, the Enquiry Officer after enquiring the Headmaster of Panchayat Union Middle School, Girisamudram village has clearly stated that the certificate produced by the Petitioner is a fake one and during that period no student in the name of Shakthivel was studying in their school and further the certificate produced by the Petitioner at the time of

appointment was not given by their school. It is also established from the preliminary enquiry that the person who signed in the certificate produced by the Petitioner is namely one Mr. Soma Gounder has not served as either Headmaster or a Teacher in the said school. From that it is clearly established that copy of the record sheet produced by the Petitioner is fake one and even in the preliminary enquiry, the Petitioner has admitted that he has never studied in the Panchayat Union Middle School; Girisamudram and he has studied in Nilavoor village in Yelagiri Hills and even in the enquiry by preliminary investigator that one Kali, Son of Chinniappan has studied only 1st standard and he failed in 2nd standard. It is further revealed in the enquiry that the Petitioner's real name is not Shakthivel and it has been changed from Kali and while he was serving in previous employment in BSF his name has been changed as Shakthivel without any authority. Under such circumstances, under no stretch of imagination, it can be said that the certificate produced by the Petitioner is a genuine one. No doubt, it is argued on behalf of the Petitioner that the school authorities have not been examined during the enquiry. But, in the preliminary investigation, it is established that the certificate alleged to have been produced by the Petitioner is a vague one. The present Headmaster also has given a statement before the preliminary investigator and in the preliminary investigation, the Petitioner has also admitted that he never studied in Panchayat Union Middle School, Girisamudram at any time and he has confessed that he has produced a fake certificate under a signed statement. It is not the case of the Petitioner that these statements were obtained by coercion or undue influence. Any how, not satisfying with this, an enquiry was conducted as per procedure and in that enquiry, witnesses were examined in his presence and statement given by the Headmaster was produced before the enquiry and it was cross examined by the Petitioner. Under such circumstances, it cannot be said that Respondent has not proved the charge framed against the Petitioner. Even before this Tribunal, the Petitioner has not produced any copy of the certificate given by the school authorities. No doubt, the Petitioner alleged that he has lost the original certificate given by the school authorities. But, he has not taken any steps to obtain a copy of the record sheet given by the school authorities. Under such circumstances, it is clearly established that the Petitioner has produced a fake record sheet to get an appointment in the Respondent/Management. In accordance with the Government of India instruction dated 19-5-1993 and based on the decision of Supreme Court that a Govt. servant who has not qualified are not eligible in terms of ...alitment rules for initial appointment in service or had furnished false information or produced a false certificate in order to secure

appointment should not be retained in service and should be discharged, the Respondent has taken this serious step against the Petitioner. Under such circumstances, Petitioner is not entitled to any relief as prayed for by him and it is also the contention of the learned counsel for the Respondent that the order passed by the Respondent/Management is legal and valid in law.

9. But, again the learned counsel for the Petitioner contended that the Respondent appointed the Petitioner as Chowkidar and he has served for more than seven years in the Respondent/Management. No memo was issued to the Petitioner during this period and only when the officer who is against the interest of the Petitioner has asked the Petitioner to produce original certificate and when it was stated that he lost the original certificate, Respondent has taken action against the Petitioner that he has produced a fake record sheet and school records. Under such circumstances, it cannot be said that the Petitioner has produced a fake school record and got appointment under the Respondent/Management.

10. But, I find there is no point in the contention of the learned counsel for the Petitioner because even assuming for argument sake that he has produced a certificate and it was accepted at the time of appointment, the Respondent/Management can ask the Petitioner at any time to produce the original certificate to prove his bonafide. In this case, it is clearly established beyond any doubt that the Petitioner has produced a fake school record and got an appointment in the Respondent/Management. Further, he has no minimum qualification for appointment to the post of Chowkidar. Under such circumstances, I find there is no point in the contention of the learned counsel for the Petitioner. Therefore, I find this point in favour of the Respondent.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled?

11. In view of my foregoing findings that the action of the Respondent/Management in terminating the services of the Petitioner is legal and justified, I find the Petitioner is not entitled to any relief. No costs.

12. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th February, 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Petitioner : None

for the II Party/Petitioner : Sri R. Radhakrishnan,

MW 1

Documents marked :—

For the I Party/Petitioner : Nil

For the II Party/Petitioner :

Ex. No.	Date	Description
M1	29-08-97	Xerox Copy of the proceedings of preliminary hearing
M2	24-11-97	Xerox Copy of the proceedings of preliminary hearing
M3	22-01-98	Xerox Copy of the proceedings of regular hearing
M4	13-08-98	Xerox Copy of the daily order sheet for hearing
M5	05-10-98	Xerox Copy of the enquiry proceedings
M6	05-11-98	Xerox Copy of the enquiry proceedings
M7	04-03-99	Xerox Copy of the enquiry proceedings
M8	28-04-99	Xerox Copy of the enquiry proceedings
M9	29-04-99	Xerox Copy of the enquiry proceedings
M10	17-08-05	Authorisation given by Respondent to MWI
M11	04-06-71	Xerox Copy of the record sheet of Petitioner with Translated copy
M12	29-12-88	Xerox Copy of the attestation form signed by Petitioner
M13	27-02-96	Xerox Copy of the letter from Headmaster, P.U.M. School
M14	29-03-96	Xerox Copy of the show cause notice
M15	20-04-96	Xerox Copy of the explanation given by Petitioner
M16	26-07-96	Xerox Copy of the written statement obtained from Petitioner
M17	17-06-97	Xerox Copy of the charge memo
M18	29-04-99	Xerox Copy of the proceedings of hearing
M19	17-05-99	Xerox Copy of the written brief of Presenting Officer
M20	10-06-99	Xerox Copy of the reply to requisition letter given by Petitioner
M21	22-06-99	Xerox Copy of the letter from Respondent rejecting the Request of Petitioner for further extension of time
M22	07-07-99	Xerox Copy of the report of Enquiry Officer
M23	20-09-99	Xerox Copy of the order of dismissal passed by Respondent
M24	28-02-2000	Xerox Copy of the order of Appellate Authority.

नई दिल्ली, 5 मई, 2006

का. आ. 2154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 101/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-05-2006. को प्राप्त हुआ था।

[सं. एल-12011/10/1997-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th May, 2006

S.O. 2154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 101/97) of the Central Govt. Indus. Tribunal-cum-Labour Court Dhanbad No. 2, as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 04-05-2006.

[No. L-12011/10/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present : Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 101 of 1997

Parties : Employers in relation to the management of Bank of India and their workmen.

Appearances :

On behalf of the workman : Mr. D. Mukherjee, Advocate

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand : Industry : Banking

Dated, Dhanbad, the 17th April, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/10/97-IR (B-II), dated, the 11th September, 1997.

SCHEDULE

"Whether the action of the management of Bank of India in terminating the services of S/Shri Aditya Singh, Mantu Thakur and Prabodh Kumar, employees of Bank of India, Dhanbad Branch without paying any retrenchment or termination benefit or without giving them a chance of being heard, is legal and justified? If not, to what relief the said workmen are entitled?"

2. Case of the concerned workmen according to Written Statement submitted by the sponsoring union on their behalf in brief is as follows :

The sponsoring union submitted that the concerned workmen were originally appointed by the management sometime during the year 1983 in the post of Sub-staff against permanent vacancy. Thereafter they remained in the services of the management continuously and put attendance for more than 240 days in each year to the satisfaction of the management. They alleged that management with malafide intention and to exploit and deprive the concerned workmen of their legitimate wages and other dues would not maintain the statutory registers regarding the concerned workmen and for which they were deprived of getting proper wages at party with permanent employees of the management. They alleged that when after rendering continuous service for years together requested the management for their regularisation and also demanded wages at party with other permanent employees, instead of considering their prayer stopped them from service illegally, arbitrarily and violating the principle of natural justice w.e.f. 24-8-91. They alleged further that before stopping their services management neither gave any notice nor paid any wages as compensation as per provision laid down under Section 25F of the I.D. Act., 1947. Accordingly they raised industrial dispute before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass Award directing the management to reinstate the concerned workmen from the date of their stopping from service with consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workmen.

They submitted that the concerned workmen made a complaint before the ALC(C), Dhanbad in the year 1997 with the claim that they were employed at Dhanbad branch of the Bank of India in the year 1990 and their services were terminated in the year 1991. They disclosed that they did not find the names of the concerned workmen in the registers of Dhanbad branch for the year 1990. They further submitted that in course of conciliation proceeding, they

disclosed that the concerned workmen worked at different branches of the Bank of India under control of Regional Manager, Bank of India and after enquiries it transpires relating to their engagement which are as follows :—

They disclosed that the concerned workman Aditya Singh was engaged as daily rated casual labour at Dhanbad branch in the year 1993 and put his attendance for 60 days. In the same year he also worked as daily rated casual workers at Jharia branch of Bank of India for 45 days only. He worked at Jharia branch also during 1984-85 and put his attendance for 125 days and 26 days respectively. As there were no requirement of casual worker at Jharia branch of Bank of India he was not given further engagement as daily rated casual labour in the year 1985 and any other year subsequently. He worked at Manaitand branch in the year 1990 for 96 days only as daily rated casual labour. He also worked for 68 days as daily rated casual worker in 1991 in the same branch of Bank of India. During the year 1988-89 the said workman as daily rated casual labour worked in different branches putting total number of attendance of 31 days in 1988 and 186 days in the year 1989. Accordingly management firmly submitted that question of putting 240 days attendance which is claimed by the sponsoring union did not arise. Concerned workman Mantu Thakur never worked at Dhanbad branch of Bank of India at any point of time. He had worked as daily rated casual labour at Gomoh branch of the Bank of India in the year 1984 and put 64 days attendance only in that year. In the year 1990 he worked at Bhaga branch and Hirapur branch and put 194 days attendance for performing miscellaneous casual nature of jobs. In the year 1991 he worked for 34 days at Hirapur branch and 181 days at Ena branch of Bank of India as casual daily rated worker to carry on some casual miscellaneous jobs. Accordingly question of his working in any branch of Bank of India continuously for more than 240 days in a year did not arise.

Concerned workman Prabodh Kumar never worked at Dhanbad branch. He actually worked at Pootki branch of Bank of India as casual worker during the period of 1983, 1984 and 1985 and during this period he put 108 days attendance in the year 1983, 153 days attendance in the year 1984 and 156 days attendance in the year 1985. Again in the year 1988 he was engaged at Gomoh branch where he worked for only 19 days while in the year 1989, 1990 and 1991 he worked in the same branch and put his attendance for 183 days, 140 days and 79 days respectively. Management submitted that the concerned workmen were never engaged at any establishment of the Bank of India continuously either as permanent worker or as probationer. They were engaged as casual worker at different branch by the branch management as per requirement from time to time. They disclosed that considering the nature of casual employment on daily basis and also considering the number of days of their engagement at different branches they cannot demand for regular services at Dhanbad branch of

Bank of India where they never worked for one year in any capacity. They further submitted that management of Dhanbad branch did not terminate the services of the concerned workmen on any day as because of the fact that they never worked there. They alleged that the sponsoring union has raised the dispute only with the intention to harass the management knowing fully well that the demand which they placed is nothing but a stale demand. Accordingly they submitted prayer to pass Award rejecting the claim of the concerned workmen.

4. Points to be Decided

“Whether the action of the management of Bank of India in terminating the services of S/Shri Aditya Singh, Mantu Thakur and Prabodh Kumar, employees of Bank of India, Dhanbad Branch without paying any retrenchment or termination benefit or without giving them a chance of being heard, is legal and justified? If not, to what relief the said workmen are entitled?”

5. Finding with Reasons

It transpires from the record that the sponsoring union with a view to substantiate their claim examined two witnesses vis. WW-1 and WW-2 while management in support of their claim examined one witness as MW-1.

WW-1 Probodh Kumar Roy during his evidence disclosed that in the year 1983 he was appointed as Peon/ Badli Sepoy at Putki branch of Bank of India. He disclosed that he was attached to the said branch upto 1985 and worked there in that capacity continuously. Thereafter in the year 1987 he was asked to work at Gomoh branch under the management and worked there continuously upto 1991. During his posting at Gomoh branch as per direction of the management, this witness disclosed that he had worked at Topchanchi branch and he had worked for more than 240 days in a year jointly at Gomoh branch and Topchanchi branch, and thereafter management stopped him from work. He categorically submitted that in the year 1989 and 1990 he worked for 240 days and 278 days continuously in the said branch. He disclosed further that the management without issuing show cause notice or paying him any compensation or without showing any reason stopped him from work. The work which he performed according to him was permanent in nature and admitted that he received wages through vouchers. Considering his evidence it is, therefore, clear that he never worked at Dhanbad branch of the management. On the contrary according to the submission of the management this workman initially worked at Putki branch during the years 83, 84 and 85 and put his attendance for 108 days, 153 days and 156 days respectively. Management further submitted that thereafter the concerned workman was engaged at Gomoh branch in 88 and there he worked for 19 days. In the year 1989 and 1990 he was also engaged at Gomoh branch and during the

said period he put his attendance for 183 days and 140 days respectively. In the same branch he worked for 79 days during the year 1991. Therefore, considering submission of the management it transpires clearly that during the period from 1983 to 1991 this workman was engaged as casual worker initially at Putki branch and thereafter at Gomoh branch. There is no whisper if the concerned workman had worked at Topchanchi branch. However, WW-1 during his evidence relied on a certificate issued by the Manager, Topchanchi branch marked as Ext. W-1 which will expose that he was engaged at Topchanchi branch as Badli-Sepoy from 1987 to 1991. From this certificate it transpires that during the period in question in all he put his attendance only for 360 days. It is really peculiar to note that in the Written Statement this workman did not make any whisper at all if he was engaged at Topchanchi branch during the period mentioned above by the management and he simultaneously rendered his service at Gomoh branch as well as Topchanchi branch. It is the specific contention of the management that the concerned workman Probodh Kumar Roy worked in two places i.e. at Putki branch as casual worker during the period from 1983 to 1985 and from 1988 to 1991 he was engaged at Gomoh branch and therefore burden of proof absolutely rests on the sponsoring union to establish that this workman worked simultaneously at Topchanchi branch for the period from 1987 to 1991. The concerned workman had the scope to produce any relevant paper to show his attachment at Topchanchi branch during the period in question he has failed to produce any single scrap of paper in support of his claim. This witness during his evidence did not disclose the name of the Officer who issued this certificate. Accordingly credibility of this certificate comes in question and to avoid dispute the concerned workman had the scope to examine the Officer who issued this certificate in his favour. It is categorically denied on the part of the management about attachment of the concerned workman at Topchanchi branch. Their specific contention is that this workman Probodh Kumar Roy was initially worked at Putki branch and thereafter at Gomoh branch. Therefore, in view of the facts and circumstances discussed above burden of proof rests on this workman to establish that he worked at Topchanchi branch also. Just based on a certificate issued by the Manager, Topchanchi branch whose name appears to be illegible, there is no scope to arrive into a definite conclusion that this workman worked at Topchanchi branch. This certificate does not mention actually from which period to which period in the year mentioned in the certificate the concerned workman worked at Topchanchi branch. It is not possible for any workman to work jointly at Putki branch as well as Topchanchi branch particularly when there is no paper to show that these two branches are situated in the same place. Therefore, if this aspect is taken into consideration I find it hard to believe that jointly the concerned workman worked at two branches during the period in question.

WW-2 during his evidence disclosed that as Badli Sepoy he was posted at Topchanchi branch of Bank of India in the year 1982. From the date of his joining he worked in the said branch for three years and performed his duties for more than 240 days each year. Thereafter he was transferred to Amaghata branch and worked there for one year and thereafter he was transferred to Regional Office Shastrinagar, Dhanbad and stayed there for one year and thereafter he was transferred to Ena branch where he worked for six months and transferred to Hirapur branch. From Hirapur branch he was transferred to Katra branch. He alleged that in the year 1991 management stopped him from work without giving him any notice or paying him any compensation. He disclosed that during the year 1982-91 he performed his duties for more than 240 days each year. The written statement submitted on his behalf by the sponsoring union is silent in respect of the facts which this workman i.e. Mantu Thakur ventilated in his evidence. However, it is clear that he was never posted at Dhanbad branch. In support of his claim the concerned workman Mantu Thakur relied on some statement of works which he performed when he was posted at Bhaga branch, Hirapur branch and Ena branch and these statements during his evidence were marked as Ext. W-3 series. From these statements it transpires that he worked for 177 days at Bhaga branch, 34 days at Hirapur branch and 181 days at Ena branch. Considering the statement of works it has been exposed clearly that in these three branches he never put his attendance for more than 240 days in a year though during his evidence he asserted categorically that from 1982 to 1991 he put his attendance for more than 240 days in each year. On the contrary from the submission of the management it transpires that in the year 1984 this workman was engaged as casual labour at Gomoh branch and worked for 64 days in that year. In the year 1990 he was engaged at Bhaga branch and Hirapur branch. From the statement marked as Ext. W-3 which the concerned workman relied on shows that in the year 1990 the concerned workman was posted at Bhaga branch and put his attendance for 177 days while he worked at Hirapur branch in the month of January and February, 1991 and put his attendance for 34 days. Therefore, submission made by the management and statement placed by the concerned workman almost tallies relating to the attendance of this workman while he was engaged at Bhaga branch and Hirapur branch. It is the specific contention of this workman that initially he started working in the year 1982 when he was posted at Topchanchi Branch and thereafter he worked at Amaghata branch and Regional Office Shastrinagar, Dhanbad. Burden of proof accordingly rests on this workmen to establish that he worked in those three branches from 1982 till his engagement in Bhaga branch in 1990. In spite of getting ample scope this workman has failed to produce a single scrap of paper in support of his claim. As regards to the claim of Aditya Singh, one of the concerned workmen, representative of the sponsoring union submitted that

his sponsoring union was not interested to proceed with the hearing of his case taking into consideration that this workman failed to keep any manner of contact with them in connection with this case. It is seen that no evidence has also been adduced in support of this concerned workman and as also no material evidence is forthcoming on his part I find difficult to uphold his contention defying the submission made by the management. However, in respect of Probodh Kumar Roy and Mantu Thakur it is the specific claim of the sponsoring Union that these two workmen worked continuously for more than 240 days in each year and as these workmen agitated before the management for their regularisation they stopped them from service without giving any notice under Section 25F of the I.D. Act, 1947. Management categorically denied allegation made against them by the sponsoring union and submitted that question of giving notice under Section 25F of the I.D. Act, 1947 never arose as because of the fact that these workmen did not work under the management for more than 240 days in each year. In course of hearing management relied on the statement and vouchers which are marked as Ext. M-1 to M-3. The detailed chart marked as Ext. M-1 series will expose very clearly that during the year 1984, 1988, 1989, 1990 and 1991 the concerned workman Mantu Thakur in all worked for 28 days, 1 day, 3 days, 189 days and 195 days respectively. Similarly Probodh Kumar Roy during the period 1983, 1984, 1985, 1988, 1989 and 1991 put his total attendance of 102 days, 151 days, 156 days, 19 days, 175 days, 140 days and 77 days respectively. MW-1 during his evidence categorically mentioned how these charts were prepared consulting official record. No incriminating material is forthcoming based on which there is scope to say these statements which the management prepared are out and out false and cannot be relied upon. In course of hearing management relied on a decision reported in 2005 Supreme Court Cases Page 628. In the said decision Their Lordships of the Hon'ble Apex Court observed the following:—

"Para-5

We are unable to uphold the order of the High Court. There were no sanctioned posts in existence to which they could be said to have been appointed. The assignment was an adhoc one which anticipatedly spent itself out. It is difficult to envisage for them the status of workmen on the analogy of the provision of the Industrial Disputes Act, 1947, importing the incidents of completion of 240 days work. The legal consequences that flow from work for that duration under the Industrial Disputes Act, 1947, are entirely different from what, by way of implication, is attributed to the present situation by way of analogy. The completion of 240 days' work does not, under that law import the right to regularisation. It merely imposes certain obligations on the employer at the time of termination of the service. It is not appropriate to import and apply that analogy, in an extended or enlarged form here."

Therefore, Hon'ble Apex Court categorically stated that rendering work for 240 days does not create any right to claim for regularisation. It merely imposes certain obligations on the employer at the time of termination of service. Therefore, it is clear that it is not obligatory on the part of the management to regularise any workman taking into consideration that he put 240 days attendance in a year.

Again in the decision reported in 2006 LLR 85 Supreme Court of India Their Lordships in para-12 observed as follows:—

"Analyzing the above decisions of this Court, it is clear that the provisions of Evidence Act in terms do not apply to the proceedings under Section 10 of the Industrial Disputes Act. However, applying general principles and on reading the aforesaid judgments, we find that this Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary. In cases of termination of services of daily waged earner, there will be no letter of appointment or termination. There will also be no receipt or proof of payment. Thus in most cases the workman (claimant) can only call upon the employer to produce before the Court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register etc. Drawing of adverse inference ultimately would depend thereafter on facts of each case. The above decisions however make it clear that mere affidavits or self serving statements made by the claimant/workman will not suffice in the matter of discharge of the burden placed by law on the workman to prove that he had worked for 240 days in a given year. The above judgments further lay down that mere non-production of muster rolls per se without any plea of suppression by the claimant workman, will not be ground for the tribunal to draw an adverse inference against the management. Lastly the above judgments lay down the basic principle, namely that the High Court under Article 226 of the Constitution will not interfere with the concurrent findings of fact recorded by the Labour Court unless they are perverse. This exercise will depend upon facts of each case."

Therefore, if all the materials which have been discussed above are taken into consideration in relation to the decision referred to above it will be clear that 240 days attendance cannot be considered as the only criteria for regularisation of a workman in service. Some other aspects are required to be fulfilled of which one aspect is existence of vacancies. Here in the instant case in view of my discussions above I find no hesitation to say that the

concerned workmen never put their attendance for more than 240 days in a year at any branch while they worked.

Instant reference was initiated taking into consideration that the concerned workmen were terminated from services by the management of Dhanbad Branch of Bank of India without paying any retrenchment benefit. It is clear from my discussions above that the concerned workmen were never posted at Dhanbad branch. Therefore, question of their termination by the management of Dhanbad Branch of Bank of India never arose. The reference, I should say, appears to be defective in view of the materials facts discussed above. Accordingly, the concerned workmen are not entitled to get any relief in view of their prayer. In the result, the following Award is rendered :—

"The action of the management of Bank of India in terminating the services of S/Shri Aditya Singh, Manu Thakur and Probodh Kumar, employees of Bank of India, Dhanbad Branch without paying any retrenchment or termination benefit or without giving them a chance of being heard is legal and justified. Consequently, the concerned workmen are not entitled to get any relief."

B. BISWAS, Presiding Officer.

नई दिल्ली, 5 मई, 2006

कानूनी अधिकारी, 2155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 58/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2006 को प्राप्त हुआ था।

[सं. एल-31012/7/1992-आई आर (एम)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th May, 2006

S.O. 2155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/92) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workmen, which was received by the Central Government on 4-5-2006.

[No. L-31012/7/1992-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI

Present : Justice Ghansham Dass,
Presiding Officer.

Reference No. CGIT-58 of 1992

Parties : Employers in relation to the management of
Bombay Port Trust

AND

Their workmen.

Appearances :

For the Management	:	Mr. M.B. Anchani, Adv.
For the workman	:	Mr. J.P. Sawant, Adv.
State	:	Maharashtra

Mumbai, dated the 26th April, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No.L-31012/7/92-IR (Misc) dated 5-8-1992. The terms of reference given in the schedule are as follows:

"Whether the action of the management of Bombay Port Trust Bombay in Ordering compulsory retirement of Shri Vishnu Vittal Vichare, Ex-Clerk, Grade-II from services in Dock Department w.e.f. 27-3-1989 is just, proper and legal? If not, to what relief is the workman entitled to?"

2. The instant reference was decided by this Tribunal as back as on 4th February, 1994 by the then Presiding Officer Mr. R.G. Sindhakar whereby the impugned order of compulsory retirement of the workman was set aside after holding that it is not possible to say that the findings recorded by the Enquiry Officer are based on evidence and material which could be safely acted upon. The facts of the present reference have been detailed in the aforesaid Award and I need not repeat again. This Award was challenged by the Management of Bombay Port Trust by filing a writ petition No. 2201 of 1994 before the Honourable High Court of Bombay. The said writ petition was disposed of by the Honourable High Court of Bombay vide order dated 30-6-1997 by remanding the matter back to this Tribunal and allowing the Management to lead evidence in support of the action taken by the Management and allowing the workman to lead evidence in rebuttal. The workman,

however, preferred the appeal No. 634 of 1997 before the Division Bench of Honourable Bombay High Court but no orders have been passed in that appeal as reported. The fact remains that the order dtd. 30-6-1997 as referred to above, is acted upon by the parties. This is how, the reference is taken up by this Tribunal for decision. Consequently, the Management filed the affidavits of Shri Mukund Khanderao Kothare, Mr. Ashok Tukaram Bhosale and Mr. Shantaram Gangaram Pavaskar in lieu of their examination in chief. All of them have been cross examined by the learned counsel for the workman. The Management also filed the affidavit of Shri Harishchandra Vishnu Desai in lieu of his examination in chief but he was not offered for cross examination and withdrawn at a later stage by the Management. In this view of the matter this Tribunal is left with the evidence of three witnesses as referred to above. The workman has filed his own affidavit in lieu of his examination in chief and has been cross examined by the learned counsel for the counsel.

3. I have heard the learned counsel for the parties and gone through the record. I have also gone through the written submissions made by the learned counsel for the parties.

4. Under the direction of the Honourable High Court of Bombay as referred to above, the Management has been given liberty to lead the evidence and this liberty has been utilized by examining three witnesses as referred to above. The evidence of all these three witnesses is wholly insufficient to hold the workman guilty for the charge of theft for which this much only is being alleged that the workman helped Mr. Shaikh to commit theft of two ball bearings which were recovered from the possession of Mr. Shaikh by the Security personnel and on enquiry Mr. Shaikh had pointed out the place from which he had committed theft of the ball bearings and has also pointed out that Mr. Vichare (workman) is the person who helped him to commit the theft. I do not find any reliable evidence to conclude that the workman actually helped Mr. Shaikh to commit theft of the petty items i.e. two ball bearings. The evidence of all the three witnesses referred to above is wholly insufficient to point out the guilt of theft of the workman. Mr. Kothare (MW 1) admitted in his cross-examination that he did not hear the conversation between Mr. Pavaskar and Mr. Shaikh on the fateful day i.e. 14-9-1985 and he also did not hear the conversation between Mr. Verma and Mr. Vichare (workman). He further stated that he did not know as to who prepared the affidavit. Mr. Bhosale (MW 2) also admitted that he did not hear the conversation in between Mr. Shaikh and Mr. Pavaskar. He did not hear the conversation in between the Police Officer and Mr. Shaikh. Mr. Pavaskar is the person who was on deputation with the Bombay Port Trust on the relevant dated as a Zonal Officer in the Security organization. He was the only relevant witness who was examined before the Enquiry Officer. His

evidence has already been rejected by the Presiding Officer while passing the Award dated 4-2-1994. The evidence of Mr. Kothare and Bhosale does not serve any fruitful purpose for helping the Management for bringing home the charge of alleged help for committing theft by Mr. Shaikh. It is not clear on record as to what happened to Mr. Shaikh regarding as to whether Mr. Shaikh was ever charged as a accused or any action was taken by the Management against him. The fact remains that he was not produced as witness either before the Enquiry Officer or before this Tribunal. The statement of Mr. Shaikh allegedly given out by him to Mr. Pavaskar as stated by Mr. Pavaskar pointing out towards the workman that he actually helped him to commit theft cannot be the basis for holding the workman guilty for the charge of misconduct.

5. Considering the entire evidence on record, I conclude that the charge of misconduct against the workman is not brought home on record and hence the action of compulsory retirement of the workman is not justifiable. The consequence is that the workman would be entitled to full back wages and reinstatement with consequential benefit as ordered vide Award dtd. 4-4-1994. The payment made to the workman would be adjusted towards the arrears.

6. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 5 मई, 2006

का.आ. 2156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 89/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-2006 को प्राप्त हुआ था।

[सं. एल-12012/228/1995-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 5th May, 2006

S.O. 2156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/97) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh now as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 5-5-2006.

[No. L-12012/228/1995-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 89/97

Sham Lal S/o Sh. Faqir Chand C/o Onkar Nath Moriya,
Arya Nagar, Fazilka Distt., FerozepurApplicant

Versus

1. The Assistant General Manager,
State Bank of India Region-1,
Sector-17, ChandigarhRespondent

APPEARANCES:

For the Workman : Sh. D.R. Kaith

For the Management : Shri Ajay Kohli

AWARD

Passed on 24-4-2006

Central Govt. vide notification No. L-12012/228/95/IR (B.I) dated 17-1-97 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of S. B. I. Represented through Asstt. General Manager, Zonal Office, Sect-17 Chandigarh in terminating the service of Sh. Sham Lal S/o Sh. Faqir Chand a daily rated worker in Jalalabad Branch of SBI w.e.f. 1-7-84 and subsequently not appointing him in the Bank as subordinate staff as per settlement between SBI and All India State Bank of India Staff Federation dt. 27-10-88 is just and legal? If not, to what relief the workman entitled to and from which date?"

2. The workman in his claim statement submitted that he was employed on 5-5-1984 and his services were terminated on 1-7-1984 without any notice, chargesheet, enquiry or compensation. The workman was appointed as godown keeper but the duty was taken from him of peon.

3. The workman interviewed on 17-2-1992 but he was not re-engaged but junior and new hands were employed. The workman belongs to Scheduled Caste community. He also remained unemployed after his termination.

4. The management filed written statement raising preliminary objection that the present dispute was raised after unexplained and inordinate delay. The workman is not protected as he did not complete 240 days within 12 calendar months prior to the date of his termination. The workman was engaged as godown darban on 5-5-1984 and

his services were discontinued on 30-6-1984 when no longer required and it is not disputed that he did not complete 240 days in one calendar year preceding to the date of termination so there was no need to give any notice or holding of enquiry of payment of compensation etc. He also did not perform any other duty.

5. The workman was afforded opportunity for permanent employment in the bank on the basis of his past service on daily wage basis in terms of the settlement arrived at between the Staff Federation and the Bank. He was called for interview on 17-2-1992 but he was not found suitable for permanent employment in the Bank in subordinate cadre. No junior and new hands have been employed without affording opportunity to the workman, eligible candidates in terms of the settlement referred in para 4 found suitable were considered for permanent employment in the Bank. The workman was paid Rs. 601.07 for 29 days in the month of May 1984 and Rs. 690.90 for 30 days in the month of June 1984. He was engaged in Jalalabad branch of the Bank and there was no violation of any provision of the I.D. Act, 1947.

6. Workman also filed rejoinder and as regards limitation submitted that he did not file earlier because he was given to understand that he would be given employment. He is protected U/s. 25 G and H of the I.D. Act, 1947. He never worked as godown keeper but worked as peon. He was selected but his name has been deleted without any rhyme and reason. He fulfill the conditions laid down by the employer.

7. To prove his case workman filed his own affidavit Ex. W1. The management also filed affidavit of one B.B. Vasishth an officer of the Bank as Ex. M1. The workman in his affidavit reiterated the averments which he earlier made in the claim statement. Similarly the management also reiterates its averments as made in the written statement. The management has also filed list of workers including the petitioner who were called for interview along with the result of the selection committee which is given in a column which is Ex. M 2 and Ex. M 3 is the memorandum of settlement arrived at between the Staff Federation and the Bank management.

8. Final arguments heard. Learned Counsel for the management submitted that facts are not in dispute. The workman has not completed 240 days in a calendar year preceding to the date of his termination. He submitted that settlement arrived at this dated 9-4-1991 for giving a chance for being considered for permanent appointment to all eligible temporary employees. The workman was not found suitable and he was not selected and absorbed. He also submitted that workman should have challenged the agreement in a writ petition and not to raise an industrial dispute in reference and no case is made out as per reference and the management has followed the settlement dated 9-4-1991 in letter and spirit. He also submitted that reference

is in two parts, one is whether the action of the management in terminating the services of the workman a daily rated worker in Jalalabad Branch w.e.f. 1-7-84 is just or not and the workman has not given any evidence nor has challenged it anywhere in court. Rather as per admitted facts. The workman has not completed 240 days prior to the date of termination in one calendar year. He further submitted that subsequently not appointing him in the bank as subordinate staff as per settlement between SBI and All India Staff Bank of India Staff Federation dated 27-10-1988 is just and legal. He was appointed as admitted by him as godown darbar/chowkidar and he was not appointed as peon on regular basis as a subordinate staff. Therefore, he is not entitled to any relief.

9. Further bank offered him opportunity as per settlement to initiate the procedure to give a chance to eligible daily wagers who completed the stipulated temporary service during the period 1-7-75 to 31-7-1988 and further for permanent appointment in the Bank's service against vacancies likely to arise in the years 1995 and 1996. Bank also formulated in settlement a procedure and as per procedure advertising the above settlement for appointment conducting interview of eligible candidates who applied and prepare a panel of successful candidates after calling them and conducting their interview. Contention of the bank further is that the present petitioner was not found suitable by the board despite the opportunity was given and he was not included in panel and he was not appointed. There is no mala fide, illegality in this case. Those who were found suitable by the Board as per settlement Ex. M3 were appointed. The bank has thus proved that termination of service of Shri Sham Lal daily rated workman in Jalalabad branch w.e.f. 1-7-84 was just and legal and bank has committed no violation of any provisions of I.D. Act further subsequently in not appointing him in the subordinate staff as per settlement between SBI and All India SBI Staff Federation dated 27-10-1988 is also just and legal as he was found unsuitable after interview and his name was duly considered and he could not succeed. Therefore, the workman is not entitled for any relief and reference may be answered in favour of the management. Further the panel had lapsed. Policy has become in operative and there is no vacancy to accommodate him.

10. On the other hand, learned counsel for the workman submitted that as per claim statement and as per affidavit of the workman Sham Lal he was employed as godown keeper but he was performing the duties of peon. On 5-5-1984 and his services were terminated on 1-7-1984 without any notice. Chargesheet, enquiry or compensation. Juniors were employed. He belongs to down trodden class. He was unemployed since the date of his termination. That the action of the bank is in violation of the provisions of the I.D. Act, 1947 and settlement. The workman worked for 57 days. He also submitted that if no objective criteria laid

down, subjective satisfaction without any objective basis resulting in elimination of the workman, procedure held to be illegal. When criteria is not laid down judging the merits of each candidates there was nothing before the interview boards as to how and under what heads the suitability of candidate is to be judged for the job. In such circumstances, the denial of giving the service to the workman is held to be illegal and re-employment has to be given as per his seniority. He submitted that workman has proved its case and reference may be answered in favour of the workman and he may be reinstated with all back wages.

11. In view of the above submission and my perusal of the oral evidence and documents, I found that as reference received for adjudication, the contentions of the bank are that termination of service of Shri Sham Lal daily rated workman in Jalalabad branch w.e.f. 1-7-84 was just and legal and bank has committed no violation of any provisions of I.D. Act further subsequently in not appointing him in the subordinate staff as per settlement between SBI and All India SBI Staff Federation dated 27-10-1988 is also just and legal and the workman is not entitled for any relief. As regarding termination of the workman w.e.f. 1-7-1984, workman alleged that his juniors were taken and his services were terminating without any notice, chargesheet or enquiry or compensation. To this aspect management submitted that the workman worked w.e.f. 5-5-1984 to 1-7-1984 i.e. just about two months. There is no violation of any provisions of I.D. Act and workman also failed to lead evidence and to prove that junior to the workman has been appointed. On this aspect none of the party led any evidence. Strictly the termination w.e.f. 1-7-1984, no notice, compensation, enquiry or chargesheet is required as workman has not completed 240 days and virtually the workman did not contest this issue that his terminations bad but on the ground that he was called for interview in 1992 and his name was in the seniority list which was recommended but he receive no intimation whether he was appointed or rejected. In para 4 of the rejoinder he submitted that he was selected but his name has been deleted without any rhyme and reason and the management may be directed to produce the selection record. The management produced the selection record and in that record the workman was found unsuitable. On perusing this document I found that in rejoinder, the claim of the workman is that his name was in result chart selected for appointment but on perusal it was found unsuitable.

12. I found that MW1 in his cross-examination made by workman's advocate that Ex. M2 is the list of candidates who appeared for interview and who found eligible on the basis of certificates attached with the application. There is no criteria for the selection of the employees and it is the satisfaction of the board who was taking interviews. The Board was constituted as per the settlement between the federation and the bank management. The workman was called for interview but was found unsuitable. Now the

point of dispute remains that the workman who was found unsuitable, as per selection result, whether the workman can challenge his non-selection or not for violation of provisions under Industrial Dispute Act.

13. On perusal of settlement Ex. M3 filed by the management. I have found that at inner page No. 41, procedure which was settled and agreed between the bank and the federation and it is followed by the selection Board as under:

"Wherever the committee does not find a candidate suitable, it is advisable to record very briefly, the reasons for non-suitability on the interview sheet."

14. I have found that on interview sheet filed by the bank and produced by bank in this court, no ground of any kind has been given on the interview sheet against the names of unsuccessful candidates. So against the name of the present workman no ground whatever is given by the selection board. I have also found that it was a settlement between the bank and the federation and as per settlement, brief reasons were to be recorded against the names of unsuccessful candidates, which were not recorded and thus it is violation of the settlement entered between the bank and the federation. I have also found that in this case short point is involved, that when workman was found unsuitable as per selection board and no reasons has been given is a violation of the settlement whether entitled for relief. In view of 1993 (1) SCT 726 as referred by the workman, that interview committee has not laid down any criteria for judging the merit of each candidate, there was nothing before the committee as to how and under what heads the suitability is to be judged for the post. In such circumstances the denial of service is illegal. Workman also refer and relied on 1992 (2) SCT 610.

15. The management in this regard also referred and relied on 2004 (1) L.L.J. 566 Radha Raman Samanta Vs. Bank of India (S.C.) wherein the Hon'ble Supreme Court was pleased to grant monetary compensation in the absence of an appropriate post and submitted that penal is already lapsed policy is inoperative. In view of above observations of the Hon'ble Supreme Court, I hold that management did not comply its own settlement arrived at between the federation and the management as board has not given any reasons against the name of the workman for non-suitability as no objective criteria for the selection of the employee is laid down, the subjective suitability without any objective basis resulting in eliminating of workman, non-taking of the present workman is unjustified.

16. In view of the above submission, I have found that workman could prove only violation of settlement regarding selection process. Selection board did not give brief reasons of non-selection or non-suitability of the petitioner and it is in violation of the above settlement. Further more it is necessary that either the eligibility criteria

i.e. length of service or some criteria should have been laid down by the bank. On the other hand if it was agreed that selection board is to give brief reasons of non-selection, then there is a criteria of selection and only then the second portion of the reference that subsequently not appointing him in the bank as subordinate staff as per settlement between SBI and the Union dated 27-10-1988 is not just and legal.

17. As I have already held above that not appointing the workman as subordinate staff as per above settlement is not just and not legal. To what relief the workman is entitled and from which date. I have found that first portion of the reference regarding termination of service of the workman w.e.f. 1-7-84 as not proved by the workman and I have held that termination of the workman w.e.f. 1-7-84 is just and legal. But after 1-7-84 Bipartite Agreement dated 27-10-1988 and 9-1-1991 were entered between the bank and the staff federation and it was decided to call for interviews of the workmen who have worked for some fixed date about two months or so and after their interview, a penal is to be prepared and then they were to be filled upto 1996 and thereafter the scheme became in-operative and the penal stood exhausted and the workman is not entitled for appointment in the subordinate cadre or as a daily wager for the above reasona. The management referred and relied 2004 (1) L.L.J. 566 Radha Raman Samanta Vs. Bank of India (S.C.) wherein the Hon'ble Supreme Court was pleased to hold that in case where fresh appointment or regularisation is not possible due to non-availability of the posta, the workman should be compensated in money i.e. compensation in the absence of an appropriate post.

18. Further more the termination is just and legal and not in violation of any provision of I.D. Act, 1947, the workman is not entitled for any backwages from the date of termination as claimed as it was settled in 1988 and 1991, that the above selection would be afrrsh. Therefore, it is ordered that respondent bank first to absorb the applicant in a vacant post. Such post, the post offered to other co-workers were appointed as M2. In the absence of any vacancy on any appropriate post or compensate monetarily. In view of the above orders the compensation shall be calculated as ordered in Hon'ble S.C. Judgment referred above by Management bank himself i.e. in accordance with voluntary retirement scheme of the respondent bank on the basis of that workman would have regularized in service and retired from such service if the workman is found covered under the pension rules and he is entitled for a lump sum compensation in lieu of reinstatement to the tune of Rs. 12000/- per year from the date of his notional appointment the date his other colleagues appointed till the award within three months from the date of the Award. The reference is answered accordingly. In view of the above referred judgement relied and referred by the bank itself,

where the bank is at fault that its Board did not give brief reasons of unsuitability. Central Government be informed. File be consigned to record.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 8 मई, 2006

का. आ. 2157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 24/2000 एवम् 26/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-5-2006 को प्राप्त हुआ था।

[सं. एस-42012/285/1999-आई आर (डी यू);

एस-42012/283/1999-आई आर ((डी यू))

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 8th May, 2006

S.O. 2157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2000 and 26/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 8-5-2006.

[Nos. L-42012/285/1999-IR (DU);

L-42012/283/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 20th April, 2006

PRESENT:

Shri A.R. Siddiqui, Presiding Officer

C.R. Nos. 24/00 and 26/00

I Party

The President,
Central Silk Board Employees Union,
C/o. Manjunatha Stores, No. 268/2,
III Main, Pipeline West,
Kasturba Nagar, Mysore Road,
Bangalore.

II Party

The Member Secretary,
Central Silk Board, Central Silk Board Complex,
IV Floor, BTM Layout,
Hosur Road, Madivala,
Bangalore.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide Order. No. L-42012/285/99-IR (DU) and L-42012/283/99-IR (DU)* dated 3rd March, 2000 for adjudication on the following schedule:—

Schedule (CR No. 24/00)

“Whether the claim of Central Silk Board Employees Union that Shri Chenne Gowda, Former Casual Labourer was engaged directly by the Naitonal Silkworm Seed Production Centre, Ramanagaram is maintainable? If so, the claim of the union for his regularization and reinstatement is maintainable? If not, to what relief the workman is entitled?”

Schedule (CR No. 26/00)

“Whether the claim of Central Silk Board Employees Union that Shri B. Chenne Gowda, Former Casual Labourer was engaged directly by the Naitonal Silkworm Seed Production Centre, Ramanagaram is maintainable? If so, the claim of the union for his regularization and reinstatement is maintainable? If not, to what relief the workman is entitled?”

2. The first party union espoused the cause of the aforesaid two workmen. However, the first party workmen have filed their separate Claim Statement requesting this tribunal to pass an award holding that the management was not justified in terminating their services w.e.f. 1-7-1997 (in both the cases). The case of the first party workman, Shri Chenne Gowda in CR No. 24/00 as made out in the claim statement in brief is that he was appointed on 18-9-1991 as a Casual Labourer at C.G. Doddi, Chawki Rearing Centre (CRC) for monthly wages of Rs. 675 initially; that one Shri Shivalingaiah, the official of the management used to control the work performed by him and another causal worker by name Shri B. Channe Gowda and their salary has been enhanced from time to time. Both worked up till 30th June, 1997 and thereafter their services have been terminated by refusing work to them. Therefore, the action of the management in terminating their services is illegal in as much as the management did not comply with the mandatory requirements of Section 25F of the I.D. Act.

3. Similarly, the first party workman in CR No. 26/00 by way of his claim statement contended that he was

appointed on 18-9-1991 as a casual labourer at C.G. Doddi, Chawkie Rearing Centre (CRC) with initial payment of Rs. 675 per month. He also contended that said Shivalingaiah, the official of the management used to control his work and the work of Shri Chennegowda, S/o Shri Anakaiah, workman in CR No. 24/00. He contended that both of them worked up till 30th June, 1997 and the management terminated their services by refusing employment. Therefore, the action of the management was illegal as they worked under the management for 240 days and more continuously and the management failed to comply with the provisions of Section 25 F of the ID Act before their services were terminated.

4. The management in both the cases filed separate Counter Statement and among other things contended that the first party workmen were not engaged by the management directly. It contended that the management namely Central Silk Board is a Govt. of India's Organisation created by statute viz. Central Silk Board Act, 1948 functioning under the Ministry of Textiles Govt. of India having its Secretariat at BTM Layout, Madivala, Bangalore; that the National Silkworm Seed Project (NSSP) is a service organization undertaking research and also engaged in production and supply of Silkworm Seed to farmers. The CSB launched a project called National Sericulture Product (NSP) being financially aided by the World Bank and Swiss Development Cooperation. Under the said project the management had undertaken promotion of Silkworm Chawkie Rearing Centres (CRC) under private sector by individual farmers to promote Chawkie Rearing through NSSP and it is a farmer fulfilling certain conditions was being selected as an Extension Farmer to run the CRC successfully on its own under the financial assistance extended by the management. The Extension Farmer so selected will run the Chawkie Rearing Centre for rearing young age silkworms in turn to be supplied to the farmers for further rearing. Therefore, for running CRC the Extension Farmer will be engaging Casual Labourer locally on daily wage basis to assist him for conducting Chawkie rearing and those labourers will have no relationship with the management. Therefore, the first party workmen being engaged by the Extension Farmer that too whenever the work was available are not the workers engaged by the management and that over such workers management has no control and therefore, there is no employer-employee relationship between the management and the first party workmen. In the result the management contended that the references on hand are bad in law and are liable to be dismissed.

5. As per the point of references, a primary burden was cast upon the first party workmen to establish that they have been engaged directly by the management board and their claim made through the union for regularization and reinstatement in service is maintainable. Accordingly, the case came to be posted for evidence of first party. On

16-4-2004, learned counsel representing the workmen in both the cases filed an application at IA 2 requesting this tribunal to club the proceedings in CR No. 26/00 with the proceedings in CR No. 24/00. The management since had no objection, IA 2 was allowed and proceedings in both the cases were clubbed together as per order dated 6th October, 2004. Thereupon the case came to be adjourned from time to time for evidence to be led on behalf of the first party workmen. However, the first party workmen did not adduce evidence on their part till 17-10-2005 and the matter came to be posted for evidence of the management. The management also did not lead any evidence and on 6-4-2006 when learned counsels for the respective parties failed to appear before this tribunal, the matter was taken as heard and posted this day for award.

6. In these cases as noted above, as per the points of reference burden of proof has been cast on the shoulders of the first party workmen. It was for the first party workmen to substantiate before this tribunal that they were appointed by the management board and were working at CRC under the control and supervision of the management board and that there was a relationship of employee and employer between the first party workmen and the management. The first party workmen required to establish before this tribunal that they have been engaged directly by the management board and that Extension Farmer who engage them as Casual Labourers was acting under the instructions and directions of the management board. Unfortunately, as noted above, despite the pendency of the case before this tribunal for a period of about more than 2 years and the case being adjourned from time to time giving opportunity to the first party workmen to adduce their oral as well as documentary evidence to substantiate their contentions made in the Claim Statement, have failed to discharge their burden and since the first party workmen themselves have not come forward with any evidence in proof of the claim, the management also did not think it necessary to lead any evidence. Therefore, keeping in view the conduct of the first party workmen in not prosecuting the proceedings and in not adducing evidence to substantiate their contentions as taken in the claim statement, the only inference to be drawn would be that they are no more interested in prosecuting the proceedings and in the result it is to be held that they have failed to establish their claim seeking relief of regularization of services and reinstatement as per the claim statement. Hence the following award:

AWARD

References in CR No. 24/00 and in CR No. 26/00 stand dismissed. Keep a copy of the Award in CR No. 26/00. No costs.

(Dictated PA transcribed by her corrected and signed by me on 20th April, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 मई, 2006

का.आ. 2158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, बंगलौर टेलीकॉम के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप्प व्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 106/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-5-2006 को प्राप्त हुआ था।

[स. एल-40012/6/1986-डी-II(बी)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 8th May, 2006

S.O. 2158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 106/98) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of General Manager, Bangalore Telecom and their workman, which was received by the Central Government on 8-5-2006.

[No. L-40012/6/1986-D-II(B)]

**SURENDRA SINGH, Desk Officer
ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 26th April, 2006

PRESENT:

Shri A. R. SIDDIQUI, Presiding Officer

C. R. No. 106/98

I PARTY

Shri S. Kanika Raj,
C/M Cat III, No. 126,
27th Cross, Bagalur Layout
Bangalore-560 084

II PARTY

The General Manager,
Bangalore Telephones,
K.G. Road,
Bangalore-560 002

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-40012/6/86-D-II(B) dated 24th November, 1998 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of the General Manager, Bangalore Telecom, K.G. Road, Bangalore in terminating the services of Shri S. Kanika Raj w.e.f. 7-5-81 is legal and justified ? If not, to what relief the workman is entitled ?”

2. The case of the first party as made out in the Claim Statement, in brief, is that he joined the services of the management on 1-1-1971 as a Casual Labourer/Mazdoor, Category III but was doing perennial nature of

work and worked continuously for 10 years with excellent and unblemished record of service till he was illegally terminated from service w.e.f. 7-5-1981 without any order in writing, without any charge sheet and without conducting any enquiry whatsoever. He was blacklisted suspecting that he was involved in an attempted theft with one Shri Varadaraj under whom he was working. Though charge sheet was issued against said Varadaraj enquiry was conducted and he was demoted from his post but no charge sheet was issued to the first party nor enquiry was held before blacklisting him and before removing him from service; that the first party subsequent to his termination made several attempts seeking the job and admittedly approached the management in the year 1985 but he was refused work on the ground that there was ban on recruitment. Therefore, the first party approached the Conciliation Officer raising the dispute and since conciliation resulted into failure report and the government refused to make reference by issuing an endorsement, he approached the High Court (in Writ Petition No. 4915/90) and it is under the directions of the Hon'ble High Court the present reference has been made therefore, he contended that the action of the management was in violation of principles of natural justice and in contravention of the provisions of ID Act liable to be set aside by this tribunal by passing an award reinstating him in service along with back wages, regularization of his employment and other consequential benefits.

3. The management by its counter statement not disputing the fact that the first party was working with the management from 1-1-1971 to 6/7 May, 1981 as a Casual Labourer on daily rated wages however, contended that ever since 8-5-1981, the first party was absconding from duty as he was involved in attempted theft case along with said Varadaraj; that the first party was casual mazdoor with no strict muster roll and compulsion on his attendance as he was being allotted work depending on its availability and since he absconded there was no question of issuing any notice or conducting any enquiry as his services as a casual labourer were terminable without any notice. Further he cannot be reemployed in view of the government order banning recruitment and that the reference on hand is also liable to be rejected there being delay of about more than 6 years in reaching the first party to the conciliation officer somewhere in the year 1986. He also cannot be considered for regularization of temporary status as his claim for the said purpose has come in effect from 1-10-89 onwards and the first party had absconded from duty from 7-5-1981 onwards. Therefore, the management requested this tribunal to reject the reference.

4. During the course of first round of the trial, the management examined one witness as MW1 and the first party examined himself as WW1. Three documents at Ex. W1 to W3 on behalf of the first party were marked during the cross examination of MW1 and in his examination chief 6 documents were marked at Ex. W4 to W9.

5. The statement of MW1 relevant for the purpose in his examination chief is that the first party was working

as a casual labourer from 1-1-97 to 6/7-5-1981 and he was paid daily wages. No muster roll was maintained for having paid the daily wages as casual labourer will be engaged depending on the availability of the work. He further stated that the first party left the job and after some time came for work. In the year 1985 the department banned taking the casual labourers and as on today there is no casual worker in the department. He then stated that since 1998 the first party had absconded and therefore, requested for rejection of the reference. In his cross examination while admitting that a DE was conducted against said Varadaraj and he was punished by way of demotion. He further admitted that there was no enquiry conducted against the first party and he was relieved from service by order dated 7-5-1981 being blacklisted. The first party was doing digging work for cable and now a days department is not doing cable digging work it is being taken by the Contractor. He admitted that other workers working along with the first party have been regularized as permanent employees. He admitted that after 7-5-1981 they have not issued any letter to the first party before termination order. First party in his examination chief while referring on the documents at Ex. W5 to W9 stated that he joined the services as a casual worker in the year 1971 and his work was stopped from 7-5-81. He worked continuously for 10 years. He stated that he committed no theft along with said Varadaraj as alleged. He denied that he himself stopped going to work and that still he is ready to work with the department being unemployed so far. In his cross examination he denied the suggestion that the documents produced by him are created for the purpose of this case and that he did not work continuously for more than 240 days. He however, stated that except the muster roll he has no other document to show that he worked continuously with the department. He denied the suggestion that there is no muster roll maintained by the management. He denied the suggestion that he abandoned the work by himself after 7-5-1981.

6. On the conclusion of the trial, my learned Predecessor heard the learned counsels for the respective parties and based on the aforesaid oral and documentary evidence, passed an award dated 10-10-2002 allowing the reference calling upon the management to consider the case of the first party workman and to give him temporary status regularizing his services after he fulfils all required conditions but without any benefit including the back wages. It it aggrieved by the aforesaid award, the first party as well as the management challenged the same by way of separate writ petitions. The first party challenged the award not being satisfied with the aforesaid relief given to him and whereas, the management challenged the same against the relief granted. His Lordship of Hon'ble High Court allowed both the writ petitions and after setting aside the award have remanded the matter back to this tribunal for fresh disposal giving opportunity to both the parties to lead evidence, if any, before this tribunal. After the remand the management once again examined one witness by filing his affidavit by way of examination chief wherein he averred that the first party was working as casual labourer from

1-1-1971 to 7-5-1981 and from 8-5-81 he absented and absconded from duty being reliably learnt that he was involved in a theft case along with the co-employee. He stated that since the first party was not a permanent employee, there was no obligation on the part of the management to have issued any notice or to have conducted any enquiry by initiating the disciplinary proceedings. He stated that the first party approached the labour department after a period of about 6 years without any cogent explanation for the delay caused an even, otherwise, he cannot be absorbed in service as there has been a policy of the department not to regularize the services as per the government order of 1984. In his cross-examination two documents were marked at Ex. M1 & M2. Ex. M1 being the letter mentioning his name and the name of said Varadaraj and Ex. M2 being the regularization scheme dated 7-11-1989. He admitted that Ex. M1 has not been served upon the first party. He admitted that muster roll has been retained but not the attendance register with respect to the first party. In his further examination he admitted that no police complaint was filed by the management with respect to the theft alleged in Ex. M1 against the first party. No evidence was adduced on behalf of the first party after the remand of the case.

7. Learned counsel for the first party, vehemently, argued that the management illegally terminated the services of the first party in the month of May 1981 though he worked continuously for 10 years suspecting his involvement in an attempted theft with his co-employee Varadaraj and black listing him without any opportunity of hearing given to him by way of charge-sheet or any enquiry conducted against him. Therefore, he submitted that since the first party undisputedly worked under the management continuously for a period of 10 years much less, working for 240 days and more in each calendar year, the order terminating his services not being followed by any DE or in compliance of Section 25F of the ID Act is bad in law in, as much as, is against the principles of natural justice. He contended that the plea of abandonment taken by the management is not only self contradictory but also factually incorrect even otherwise the management has not taken any step issuing any memo or notice to the first party calling upon him to report for duty and therefore, plea of abandonment must fail and the reference must succeed. Learned counsel for the management filed his written arguments reiterating the contentions taken by it in the Counter Statement.

8. After having gone through the records, I find substance in the arguments advanced for the first party. The fact which is very much undisputed in the counter statement of the management as well as in the oral testimony of both the witnesses examined for the management is that the first party was in continuous service of the management as a Casual labourer/Mazdoor on daily wage basis for a period of 10 years from 1971 to 1981. Now therefore, a question arises as to whether the management could have terminated the services of the first party by way of removal

of his name from the muster roll by black listing him on the ground that he was suspected to be involved in an attempted theft with said Varadaraj or on the ground that he abandoned the work. The plain answer to that question would be in the negative. Undisputedly, there has been no action taken by the management against the first party for the alleged attempted theft by issuing charge-sheet or by conducting the enquiry though such an action was taken against said Varadaraj and he was punished by way of demotion. There was also no complaint made to the police against the first party for the alleged theft.

9. Now, coming to the plea of the management that first party had abandoned his services, it was well argued for the first party that it is self contradictory and inconsistent as the very statement of management witness, MW1 will go against the plea. MW1 as noted above, in his examination chief itself has stated that the first party had approached the management after having left the job but not disclosed as to when actually approached the management. In the last sentence of his examination chief itself he says that it is since 1988 the first party had abandoned the job. This statement of MW1 as argued for the first party is inconsistent to the contention taken by the management in the counter statement and thereafter in the statement of the other witnesses to say that the party abandoned his job from the month of May 1981, itself. That apart, the plea of abandonment cannot be raised by way of defence without establishing before this tribunal about the steps taken by the management subsequent to the alleged abandonment of the job by the first party. Under the principles of natural justice and under common law it becomes incumbent on the part of the management to have taken further steps when a particular employee abandoned his job. There must be a notice to such a worker calling upon him to report duty and in case he failed to report for duty, it is again necessary for the management to hold a DE giving the worker an opportunity of hearing to explain the reason for his absence from duty. Unfortunately, in this case no such step has been taken by the management and therefore, the plea of abandonment must collapse under its own weight. The management's next contention is that the first party was black listed for his suspected involvement of an attempted theft along with said Varadaraj and for that he was removed from service. This plea of the management first of all must be read against its own plea that the first party abandoned the job. When the first party was being removed from service being black listed, it does not lie in the mouth of the management to say that he abandoned the job. As far as, the alleged attempted theft is concerned, once again it is not in dispute that there has been no action taken against the first party by issuing a charge-sheet or by conducting any DE, though, disciplinary proceedings were taken against said Varadaraj and he was punished by way of demotion after holding the DE. The contention of the management that in either case it was not obliged to issue charge sheet and conduct the enquiry the first party just being a casual labourer, in my opinion must fail for the

simple reason that the first party was in the service of the management for a substantial period of 10 years, that too, continuously having no bad service record. Even for a moment if we proceed on the assumption that for such a casual worker no DE was required then the question arises as to whether the management fulfilled the requirement of Section 25 F of the ID Act before the services of the first party were terminated. Undisputedly, there was no compliance of Section 25 F of the ID Act before the first party was removed from service. The first party having worked undisputedly for a period of 10 years continuously it must be presumed that he worked for 240 days and more in each calendar year and during the calendar year immediately preceding his removal from service. Therefore, there being no compliance of Section 25F of the ID Act, the termination amounts to illegal retrenchment under Section 25 F of the ID Act read with Section 2(oo) thereof. It is in this view of the matter there cannot be any hesitation come to the conclusion that the order of the management terminating the services of the first party was illegal and void ab initio.

10. Since his termination is held to be illegal, under normal circumstances the first party must have got the relief of reinstatement along with other benefits. However, in the instant case, the first party approached the Conciliation Officer somewhere in the year 1986 challenging the termination order passed by the management. There has been no explanation, much less, plausible offered by the first party in raising the dispute before the appropriate forum after a gap of more than 5 years from the date of his removal from service. It is on record that when the conciliation proceedings failed and the Govt. of India refused to make reference of the dispute raised by the first party he approached the Hon'ble High Court in the aforesaid writ petition seeking directions for the reference by the Govt. His request has been granted and the reference on hand was made to this tribunal by the Government in the month of November 1998. Therefore, keeping in view the fact that a considerable period has been passed and much water has been flown under the bridge from the year 1981 till the present reference in the year 1998, the fact that the first party just worked as a casual worker not ignoring the contention of the management that the policy of regularising the services of the casual worker has been frozen right from the year 1985 onwards, it appears to me that it is not a fit case in giving direction to the management to reinstate the first party into its services, once again, as a casual labourer.

11. Now, coming to the relief of the back wages, the period elapsed between the date of removal from service of the first party and the date of his writ petition under the High Court in the year 1990 shall have to be ignored for passing any order with regard to the payment of backwages. Therefore, the case of the first party must be considered for the back wages from the year 1990 onwards till the date of passing of this award. From the extract of the muster roll produced by the first party at Ex.W1 it can be gathered that

the first party was getting daily wages of Rs. 250/- monthly in the month of April 1981 and he must have continued to earn the same wages from May 1981 onwards had he been continued in service. A period of about 15 to 16 years passed from 1990 till the passing of the present award therefore, keeping in view all these factors and denial of relief of reinstatement it appears to me that ends of justice will be met if the first party is paid a lump sum amount of Rs. 2 lakhs by way of back wages settling his all claim against the management. Hence the following award :

AWARD

The management is directed to pay a sum of Rs. 2 lakhs to the first party by way of compensation towards backwages and other service benefits in full and final settlement of the claim of the first party against it. The management shall pay the amount in question within a period of 3 months from the date of publication of this award failing which the amount shall carry interest at the rate of 10 per cent per annum till the date of its realization. No costs.

(Dictated to PA transcribed by her corrected and signed by ms on
26th April 2006)

A. R. SIDDIQUI, Presiding Officer
नई दिल्ली, 8 मई, 2006

का.आ. 2159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल स्टेशन फॉर फॉरेज प्रोडक्शन एण्ड डेमोन्स्ट्रेशन के प्रबंधता प्रक्रिया के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 129/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-5-2006 को प्राप्त हुआ था।

[सं. एल-42011/43/1991-आईआर(डी.यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 8th May, 2006

S.O. 2159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 129/94) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Regional Station for Forage Production & Demonstration, and their workman, which was received by the Central Government on 8-05-2006.

[No. L-42011/43/1991-JR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case No.ID 129/94

President Distt. Agriculture Workers Union, Street No. 5,
House No. 123, Jawahar Nagar, Hissar, Haryana

Applicant

Versus

The Director Regional Station for Forage Production & Demonstration, Hissar, Haryana

Respondent

APPEARANCES

For the workman : None.

For the management : Shri Surjit Singh
Chaudhary

AWARD

Passed on

Central Govt. vide notification No. L-42011/43/91/IR (D.U.) dated 3-10-1994 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Regional Station for Forage Production & Demonstration in relation to denial of regularisation of services of the workmen, denial of equal pay for equal work to the workmen and not designating the workmen according to their duties, who are working with the management since the inception of the institute are proper legal and justified ? If not to what relief the workmen are entitled ?"

2. Counsel for the management submitted that in the present case workman is not appearing his authorised representative despite continuous court notices through Regd. A.D. for the last several dates. He submitted that workman or union appears to be not interested as for several dates AR Darshan Singh is not appearing and there is only address of AR Darshan Singh with the court or with the management. The reference may be returned for non-prosecution.

3. In view of submissions of the AR of the management and my perusal of the last five orders sheets for 17-5-05, 19-8-05, 11-10-05, 20-12-05 and 21-2-2006 and today i.e. 10-4-06 workman or union is not taking interest. No body is appearing and it appears that workmen and union both are not interested to pursue with this case as several opportunities were given through Regd AD. Hence the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

10-4-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 10 मई, 2006

का.आ. 2160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधता प्रक्रिया के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 24/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-06 को प्राप्त हुआ था।

[सं. एल-40012/481/2000-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 10th May, 2006

S.O. 2160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, and their workman, which was received by the Central Government on 10-5-2006.

[No. L-40012/481/2000-IR(DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT, LUCKNOW

PRESENT

Shrikant Shukla (Presiding Officer)

I. D. No. 24/2001

Reference Order No. L-40012/481/2000/IR(DU)

Dated 18-1-2001

BETWEEN

Shri Ishrat Ali
R/o 289 Shahganj, Sader Bazar,
Unnao.

AND

Telecom District Manager, Telecom,
Door Sanchar,
Pradarshini Nagar,
Unnao.

AWARD

The Government of India, Ministry of Labour, has referred following schedule for adjudication to Central Government Industrial Tribunal-cum-Labour Court, Lucknow vide reference order No. L-40012/481/2000/IR(DU) dated 18-1-2001.

SCHEDULE

"Whether the action of the management of Telecom., Unnao is legal and justified in terminating the services of Ishrat Ali w.e.f. 7-4-99 is legal and justified? If not, to what relief the workman is entitled?"

Workman's case in brief is that he was employed on substantive post of waterman-cum-farrash at telephone exchange, Department of Telegraph Officer, Civil lines, Unnao on the salary of Rs. 30/- per day worker, though worked full time and also executed other jobs for the whole day, but he was reckoned from 8.00 AM to 11 A.M. and which was a complete falsy. Workman approached the Management for regularisation in the employment and to pay him scale of pay along with other allowances, similar to other, but the Management except assuring to regularise him did nothing. Abruptly, the services of the workman was terminated w.e.f. 7-4-99 even without formal notice, and also in breach of provisions of Section 25(F) of Industrial Disputes Act (Central), 1947, so much so that neither he has been notice pay and compensation nor prescribed notice was given to him. Further the work carried out by one worker had been in existence, hence the impugned termination of service of the worker is not

sustainable. Representation for reinstatement, has also been unattended. Worker has therefore prayed that this court may hold that the action of the Management in terminating the services i.e. 7-4-99 is illegal and arbitrary and accordingly he (worker) is entitled to relief of reinstatement with continuity of service and full wages along with the other attending benefits for intervening period.

Divisional Engineer Phones, Unnao has filed the written statement. It is submitted that in some special circumstances i.e. when the regular staff lying on leave Sh. Ishrat Ali was allowed to deliver the telegrams with his duty period i.e. within 3 hours a day. It is further alleged that the worker was never appointed as an employee in any capacity in the department, hence there is no question of termination of service & there was no breach of any legal obligation. It is further submitted that the provisions of Industrial Disputes Act, 1947 is not applicable to the department of opposite party.

Worker has filed his affidavit in support of his case and he has been cross-examined by the representation of opposite party on 21-4-2003.

Opposite party filed the affidavit in support of their case i.e. the affidavit of Shri P.R. Saxena, SDE HRD legal, who has been cross-examined by the representation of the worker on 6-9-2004.

Worker has filed photostat copies of following documents:—

- (1) Letter of workman dated 9-4-99 addressed to Up Mandal Abhiyanta requesting for reasons for his termination w.e.f. 7-4-99.
- (2) Letter of Mandal Abhiyanta dated 10-8-99 addressed to Up Mandal Abhiyanta calling for the report on the basis of notice through advocate.
- (3) Letter of SDE to Up Mandal Abhiyanta dated 20-1-2000 calling for the report.
- (4) Letter of Mandal Abhiyanta (P) addressed to Up Mandal Abhiyanta dated 29-9-2000 calling for the report of part time labour employed for less than 4 hours.
- (5) Letter of Up Mandal Abhiyanta HRD (Legal) to Up Mandal Abhiyanta Civil Line dated 8-2-2001 regarding conversion of part time labours to full time labour.
- (6) Telephone receipt prepared and issued by the workman in his own handwriting in discharge of his duties paper No. 4/8 to 4/35.
- (7) Form T1-117 issued to workman for delivery of telegraphs Paper No. 4/36 to 4/39.
- (8) STD Call receipts prepared and issued to Customers by the workman paper No. 4/38.
- (9) Payment of telegrams received by the workman on phones in Hindi on teleprinters thereafter prepared a list of the same to send the telegram messengers. Paper No. 4/41 to 4/50.
- (10) Receipts of looking of telegrams prepared by the worker for issue to customers Paper No. 4/51 to 4/54.
- (11) Log book in the name of the workman Paper No. 4/55 to 4/57.

- (12) Circular for regularisation dated 18-11-88 for those who have rendered 7 years service as on 31-3-87. Paper No. 4/58 to 4/59.
- (13) Govt. Circular regarding part time casual labour dated 14 Aug. 1998. Paper No. 4/60 84/61.
- (14) Letter of Asstt. GM Maha Nideshak 13-12-99 Paper No. 4/64.
- (15) Letter of Dy. General Manager dated 20-9-2000 Paper No. 4/66.

Opposite party has filed photostat copies of following documents:—

1. Letter of AGM operation to various offices for engagement of part time sweepers and waterman and farrash Paper No. 84.
2. Extract of notesheet dates not mentioned. Paper No. 8/5.
3. Booklet of Preservation of records. Paper No. 8/3.
4. List together with voucher receipt from April 1966 to April 99. Paper No. C/39 to C40/11.

Heard arguments of representative of the parties and perused evidence on record.

It is argued on behalf of the management that worker Ishrat Ali was engaged on part time basis and in the year before his disengagement he was paid at the rate of Rs. 10/- per hour.

The attention of the representative was invited on paper No. 40/9 to 40/11 and was asked to apprise the court in view of the evidence as to how many days the worker worked from April 1998 to 6th April 1999. The representative of the opposite party argued that the worker was not engaged on sundays & holidays and according to the Management witness Shri P.R. Saxena DE the worker worked 3 hours a day. In the circumstances the working days of the worker comes as under according to the table:—

SL. No.	Period	Hours	Working days
1.	April 1998 to June 1998	216 Hours (216 Hours divided by 3 hours a day)	72 days
2.	July 1998 to Oct. 1998	300 Hours (300 Hours divided by 3 Hours a day)	100 days
3.	Nov. 1998 to March 1999 (Nov. 1993—24 days) (Dec. 1998—26 days) (Jan 1999—24 days) (Feb 1999—24 days) (March 1999—24 days) (April 1999—5 days)	381 Hours Table shows that the worker has been paid for 381 Hours in total	127 days
Total Days			299 days.

Thus it is not disputed that the worker worked for 299 days from April 1998 to 7th April, 99.

The Industrial dispute Act does not distinguish from part time labours to full time labours.

Thus it is proved that the workman has been in continuous service for more than 240 days in a period of one year preceding his termination. In the circumstances no workman can be terminated who has been in continuous service until the workman has been given one months notice in writing indicating the reasons for retrenchment or workman has been paid in lieu such notice, wages for the period of notice and the compensation as provided u/s 25(F) of the Industrial Dispute Act 1947.

The worker is not a regular employe, that is the reason he approached the management for regularisation.

From the evidence of the parties on record the worker is only casual employaa, who was engaged for part time job for Rs. 10/- per hour preceding his disengagement.

It is not disputed that notice, notice pay, or compensations was not given to the worker.

It is not necessary that if a worker if not regularly appointed shall not be a worker. It is settled by now that the Telecom Dept./Door Sanchar is an Industry. No argument is forwarded by the representative of the opposite party that the Door Sanchar/Bharat Sanchar Nigam or Telecom Dept. is not Industry.

In the circumstances when the documents referred above, the worker is proved to be part time worker with opposite party. It is not correct to say that in some special circumstances Shri Ishrat Ali was allowed to deliver the telegrams, but the fact that he was engaged as waterman cum Farrash which is the work of regular nature.

Action of the Management is in violation of Section 25(F) of Industrial Dispute Act 1947 and the same is fully applicable to the facts of the case. Action of Management therefore terminating the service of workman w.e.f. 7-4-99 is illegal and unjustify. The result will be that the worker deserved reinstatement, with continuity. However, looking to the small salary of Rs. 30/- per day, I am of the considered opinion that he could have engaged himself elsewhere as the wages of the labour in state is more than Rs. 70/-.

Issue referred for adjudication is decided in negative against the management. Worker is entitled to reinstatement with the continuity of service. No order to back ages.

Award passed accordingly.

Dated 25-4-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 10 मई, 2006

का. आ. 2161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स आर.एस. शिपिंग लाइन्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 13/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-5-06 को प्राप्त हुआ था।

[सं. एल-32012/4/2004-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th May, 2006

S.O. 2161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 13/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the industrial dispute between the management of M/s. R.S. Shipping Lines, and their workmen, which was received by the Central Government on 8-5-2006.

[No. L-32012/4/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT KOLKATA

Reference No. 13 of 2005

Parties: Employers in relation to the management of
M/s. R.S. Shipping Lines
AND
Their Workmen.

PRESENT: Mr. Justice Hrishikesh Banerji,
Presiding Officer.

APPEARANCES:

On behalf of Management : None

On behalf of Workmen : None

State : West Bengal Industry : Port & Dock.

Dated, the 1st May, 2006

AWARD

By order No. L-32012/4/2004-IR (B-II), dated 21-4-2005, the Central Government in exercise of the powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the M/s. R.S. Shipping Lines, 285, B.B. Ganguly Street, Kolkata-700012 in refusing to engage the watchmen from Calcutta Port Watchmen Pool at their Bangladesh based ships/vessels coming to Docks of Kolkata Port Trust is justified or not? If not, to what relief the watchmen of Calcutta Port Watchmen Pool are entitled?”

2. When the case is called out last on 15-02-2006 none appeared for the parties involved in this reference. On earlier occasions also none appeared for them. It appears from the record that Calcutta Port & Dock Industrial Workmen Union filed a petition dated 08-06-2005 stating that they are not interested in the present proceeding and they will not appear before the Tribunal in the matter. The other parties named in the order of reference never took any step to proceed with the matter. In the circumstance it is clear that all the parties involved in the present reference are not at all interested to proceed with the matter. Therefore, no useful purpose will be served by keeping the matter pending.

3. In such view of the matter, this Tribunal has no other alternative but to dispose of the matter by passing a “No Dispute” Award. A “No Dispute” Award is accordingly passed and the present reference is disposed of.

This is my Award.

HRISHIKESH BANERJI, Presiding Officer

Kolkata :

1st. May, 2006

नई दिल्ली, 10 मई, 2006

का. आ. 2162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 119/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-2006 को प्राप्त हुआ था।

[सं. एल-12012/85/1995-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th May, 2006

S.O. 2162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119/97) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 5-5-2006.

[No. L-12012/85/1995-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No. I.D. 119 of 1997

Satish Kumar, near Sabzi Mandi, VPO, Shamchaurasi, District Hoshiarpur, Punjab. Workman

Versus

The Deputy General Manager, Canara Bank, Sector-34, Chandigarh. Respondent

APPEARANCES

For the workman : Shri H.S. Birdi, Advocate.
 For the management : Shri N.K. Zakhmi, Advocate.

AWARD

Passed on 25-4-06

Central Government vide notification No. L-12012/85/95-IR(B-II) dated 9th of May, 1997, has referred the following dispute to this tribunal for adjudication :

"Whether the action of the management of Canara Bank in dismissing the services of Shri Satish Kumar clerk is legal and justified? If not to what relief the said workman is entitled and from what date?"

2. The brief facts of the case are that as per bank, bank found that workman on 14-8-92 did not deposit the cash received the evening and utilised it and later on in further enquiry he was also found making changes in Bank record entries of some days regarding deposits of 2 customers & ultimately 2 separate charge sheets were served on him. Enquiries were made and after enquiries he was dismissed from the services.

3. Whereas the case of workman is that management hatched a conspiracy against him and with this intention when he deposited late deposited cash after proper entries Double Lock late cash Register with signatures of 1. Workman 2. Cashier 3. Manager. Cashier and Manager properly locked the safe with their two keys. He was transferred that same evening to another counter away from this Branch & thereafter he never returned to this branch after evening of 14-8-92. All these fake charges were concocted after his transfer. After holding illegal/unfair predetermined enquires to dismiss workman. No enquiry was held against Ranjan Sharma management dismissed workman without holding proper and fair enquiry. Late cash register was not considered and he was dismissed despite in enquiry before Enquiry Officer. Manager proved that in 2nd chargesheet one entry was altered by Cashier Ranjan Sharma another official. That is why also to avoid proper, above board just enquiry matter was not reported to police because police will enquire from other staff also & will take on remand. Manager and Cashier both who were also responsible for such entries and I/C of safe of Bank and Bank record. Police will also enquire where cash has gone when there are entries in Double Lock late cash Register bearing signatures of workman, cashier Ranjan Sharma and Manager A.K. Verma and that after the time safe was locked workman never returned to that place as transferred and both cashier Ranjan Sharma and Manager A.K. Verma were remain only on scene with both having keys and safe. No one else can open except these two Cashier & Manager.

4. This case is hotly contested by the petitioner/ workman in the court but workman not allowed to contest hotly. He denied having done any embezzlement as per charge-sheet (1) and (2) and in claim statement averred

that no valid charge sheet was issued to him and the same was not accompanied with the documents. Only inspection was allowed and double lock register was not examined by any one. He submitted that he is innocent and was falsely implicated in these two charge-sheets and that is why no concerned official alleged to be involved in incident of this case of the two charge-sheets were produced by the management in this case in the court.

5. He also submitted that enquiry was not fair and was completed hurriedly within 2/3 sittings and findings of the enquiry officer was based on conjectures and surmises and not followed any established procedure and even forgot to record the statement of the workman. The workman was not allowed the assistance of an advocate despite the case was very complicated in nature and he being simply a clerk was not allowed to take the assistance of an advocate which was declined by the management and the disciplinary authority though it can be allowed and in complicated cases at the discretion of the management. He submitted that P. Amrit Raj was incharge of the Disciplinary action of the management bank and enquiry officer also he conducted and completed the enquiry against the workman, gave his findings and despite being a prosecutor and also being a adjudicator, he appeared in the court as only witness of the management.

6. On the other hand, management denied the allegations of the workman made in the claim statement and submitted that enquiry conducted in both charge-sheets was quite fair and disciplinary authority punished him and even the appellate authority heard him personally and passed speaking orders. He submitted that it is not the right of the workman to have assistance of advocate and it is not desirable and that in simple case like that of embezzlement by workman of embezzlement, he was denied assistance of an advocate which is generally not allowed in disciplinary enquiries and allowed only in very complicated cases. Though the punishment was given to the workman of dismissal/termination of service in both charge sheets but it was a simple case of embezzlement and there was no complication. As the enquiry was fair, there was no necessity to examine evidence produced by the workman in court in this case and learned Tribunal will not sit as an appellate authority. The management submitted that full opportunity was given to the workman during the enquiry and he was asked to lead defense evidence but the workman did not prefer. He was asked to have any employee of the bank as his representative or of any other bank but the workman did not prefer and he was insisting only taking the help of an advocate which was declined by the bank.

7. Workman filed rejoinder regarding his averments and claiming that enquiry was not fair and that no material witness appears against him in court.

8. In this case in evidence both parties led oral evidence and documents. Workman examined WW1 Ranjit

Pal, WW2 Kundan Singh and himself as WW3, whereas the management examined only witness MW1 P. Amritraj who was the enquiry officer against the workman in both the charge sheets. These witnesses were cross-examined at length by rival Advocates.

9. This reference was received in this course on 8-5-97. After pleadings were complete, both the parties agreed to lead evidence on merits as well as on fairness of enquiry. On 24-12-04, advocate of the workman requested that case may be fixed for parties evidence and entire reference should be decided at one time. To this no objection was given by the management and thereafter both the parties led their evidence to prove whether enquiry was fair if not whether dismissal was justified or not.

10. I have also found that after MW1 P. Amritraj was cross-examined at length by the advocate of the workman, this case was adjourned several times for remaining evidence of the Management Bank but lastly management did not prefer to lead any evidence and prefer to close the same by making a statement that the management did not want to lead any evidence further and management evidence may be closed.

11. Final arguments heard. Learned counsel for the workman Shri H.S. Birdi filed written arguments and also argued orally. The management prefer only to address oral arguments.

12. Workman's advocate Sh. Birdi in oral arguments firstly submitted that action of the management in dismissing the workman is not justified and fair submitted that workman was appointed with the management as clerk on 9-6-1981 at Noida and then in Jalandhar. He was transferred to Hosiarpur w.e.f. Feb 1990 and has worked there sincerely and honestly. At this stage workman advocate submitted that workman is a victim of conspiracy and that bad luck of workman started from the evening of 14-8-1992. Rs. 31500/- and Rs. 35000/- cash was deposited late by him on 14-8-1992 and he after making all entries in the double lock late cash register, which is also signed by the workman besides cashier & Manager workman was transferred on the evening from this branch to branch cash counter at a distance of 2 kms and thereafter he did not join this branch at all. The branch manager was quite aware that workman was under transfer on 14-8-1992 and thereafter he is not to come to this branch and will work 2 kms away from this branch. Next date i.e. 15th August Independence day. That on the next working day, the workman joined at New place and in his absence all this matter was fabricated and ultimately he was dismissed from service. Even exparte preliminary investigation was done by one officer R.P. Nayak which resulted into two charge sheets No. 29/92 and 36/92 dated 3-11-1992 and 14-12-1992 respectively and enquiry was conducted by Mr. P. Amrit Raj, senior manager in charge of DAC Canara Bank Chandigarh and admittedly handling disciplinary matters including the case of the workman who conducted enquiry in two sitting in

1993 and completed on 7-1-1993 when documents were supplied and 29-6-1993 when the witnesses were examined. Inquiry in the case of credit slip (Charge sheet No. 36/92) was completed in three sittings on 16-3-92, 15-4-93 and 26-5-93 on the 15-4-93 the only witness Shri A.K. Verma branch manager was examined. The preliminary enquiry/investigation was conducted on 18-8-92 and 19-8-92 at Hosiarpur at the back of the workman as he was neither informed nor associated with the preliminary investigations. Statement of the workman was not recorded and he was not given any opportunity to explain his position regarding the missing cash which was lying deposited in the double lock after entry in late cash Register as late received on 14-8-92. Shri Nayak submitted his report on 25-8-92 but the workman was supplied copy of this enquiry only on 7-1-1993 and 16-3-1993 on the first day of the enquiry after a lapse of about six months. Preliminary enquiry was conducted secretly at the behest of branch manager A.K. Verma without involving the workman so that entries which appeared in double lock cash register in the late cash receipt column for 14-8-1992. Investigation officer did not examine and ignored the double lock register where entry of Rs. 92300/- at page No. 264 was made on 14-8-1992. The enquiry was conducted by P. Amritraj, B.Com LLM, CAIB, Sr. Manager Chandigarh in a most mechanical and hurried manner and with a predetermined and biased mind after knowing of the alleged entry of Rs. 66500/- in the double lock cash register dated 14-8-1992. The workman was denied proper and reasonable opportunity and natural justice. He was not having reasonable notice of the case and he must have reasonable opportunity of being heard and hearing must be by an impartial authority i.e. a person who is not neither directly nor indirectly a party to a case. The enquiry report given by the enquiry officer suffers from irregularities, deficiencies, arbitrariness as he has acted in a most biased manner and he was directly involved in processing the case of the workman being incharge of the Departmental Action Cell. The workman was made to face the senior most managers/officers of the bank who were fully trained having legal back ground. Shri P. Amritraj was legally and professionally trained officer of the bank having high laws degrees. The workman was denied proper opportunity to have assistance of trained defence counsel or an employees of another bank to defend himself in a baseless and false case the material and important witnesses like cash officer Shri Ranjan Sharma was not examined as the amount of Rs. 35000/- and 31500/- was handed over by the workman to him after making proper entry of Rs. 92300/- as late cash receipt after writing the double lock cash register on 14-8-1992 at page 264. This was ignored. The same has been signed by both key holder A. K. Verma (1st key holder) and Ranjan Sharma (2nd Key holder). This important piece of evidence if taken note of and placed on record by the enquiry officer, the same would have absolved the workman of the allegation of embezzlement. The management has failed to adduce the

best evidence either before the enquiry officer or before this Tribunal. The cashier Shashi Kant Sharma posted on 17-8-92 and Joseph Methew cash officer alongwith Ranjan Sharma were the key and material witnesses who should have been examined and produced before the enquiry officer. Non-production of double lock cash register and non examination of the officers above amounts to serious lapse on the part of the management. Shri A.K.Verma, branch manager has confirmed and admitted before the enquiry officer that he had checked cash entries daily and on 14-8-1992 also checked cash entries in respect of two complainant firms i.e. Banna Mal Ganga Ram and M/s. Maharaj Prashad Peyare Lal. With this admission on the part of the branch manager, there remains little room to doubt that workman has misappropriated the alleged amount of Rs.92300/- which was kept in the double lock and entry of which was made in late cash receipt column.

13. Although on the request of the workman copies of the double lock extracts were supplied and recorded in the proceedings dated 26-5-93 but abruptly enquiry office closed the proceedings on 25-5-93 after knowing this important fact. He categorically stated that the workman did not wish to mark these documents for the charge sheet 36/92. All requests to place these documents fell on deaf ears. How a lay man can make exhibits of documents. Enquiry Officer ignored the cash entry of Rs.92300/- made in double lock cash register which included the so called alleged embezzled amount of Rs.66500/- which was handed over to the cash officer Shri Ranjan Sharma and the same was accepted by him and the branch manager had countersigned the entry of late cash receipt as correct. The enquiry officer should have appreciated that copies of record were obtained only to produce in evidence during the course of enquiry of proceedings and not for any other purpose. He had personally gone through these entries and brushed aside all requests to take the same on record and all of a sudden closed the proceedings just to save the branch manager A.K. Verma who did not dare to appear in the court to face the cross-examination as a witness of the bank against the workman.

14. The workman wrote to the Enquiry Officer to supply him the details of adjustment of late cash kept in the double lock on 14-8-1992. It was pointed out that amount of Rs.92300/- was not fully adjusted but the investigating authority ignored the same. Again a reminder was sent to the E.O. but without any response. However a refusal letter delivered to the workman on 4-8-93 stating that the details of adjustment of the amount could not be supplied to him and asked the workman to reply within one week which was not possible as the letter itself delivered on 4-8-93. Unfortunately the enquiry officer gave his report on 29-7-93 in a hasty manner.

15. The enquiry officer completed the proceedings in charge sheet No. 29/92 in two sittings i.e. 16-3-93 and 15-4-93 as he was biased with predetermined mind as he was directly interested being head of disciplinary action cell. He did not care for the serious issues involved and closed the evidence of the workman of his own and did not

give even the opportunity to examine his witnesses. The workman never closed his evidence and he never stated that he had no evidence or witnesses to produce but it was recorded by the enquiry officer of his own thereby denying natural justice. This Hon'ble Tribunal will appreciate that the late cash entry of cash receipt made in double lock cash register on 14-8-92 and handing over Rs. 92300/- to the cash officer, Shri Ranjan Sharma was an important evidence. This entry was admittedly approved and countersigned by the branch manager. In case there was any shortage of cash in double lock room, for that Shri Ranjan Sharma, cash officer and A.K. Verma were responsible. The workman was posted at extension counter Sadhu Ashram w.e.f. 17-8-92 and the keys were handed over to him on 14-8-93 after office hours by the branch manager i.e. last working day. Some manipulation has taken place between 14-8-92 and 17-8-92 with some other member of the staff to embezzle amount of Rs. 92300/. That no alleged amount was deposited by Shri Kundan Singh and Ranjit Pal of Rs. 51000/- in sundry liability account as has been claimed by the branch manager. Affidavits of Kundan Singh and Ranjit Pal were submitted before the disciplinary authority were ignored, instead of getting the facts verified whether the branch manager A.K. Verma has just fabricated this story to save himself as he had himself taken away the cash for his personal use on 14-8-92 and threw the entire blame on the workman. That is why in Court, the management did not prefer to produce Shri A.K. Verma the then branch manager and Ranjan Sharma, cash officer in witness box just to save them from cross-examination.

16. The workman was a junior most functionary in the bank. He also requested for the legal assistance from a advocate in enquiry but the same were declined on the ground that no complicate issue were involved. But as a matter of fact in a bank embezzlement case is most complicated case where the punishment is of dismissal. The management has concealed important evidence of Ranjan Sharma, Joseph Methew, Shashi Kant Sharma who was working on 17-8-92 at the seat of the workman who could throw light in the interest of justice. As regard alterations made in the cash receipt vouchers/slips the allegations were denied by the workman. One slip was found in the hand of Ranjan Sharma cash officer and this fact was admitted by the branch manager A.K. Verma in his statement dated 15-4-1993 before the enquiry officer. The defacing of the other slip by the workman was not proved at all. Height of discrimination groupism has gone unnoticed by the enquiry office and no action was taken against Ranjan Sharma, cash officer who had admittedly defaced and post dated slip/voucher for Rs. 58000 of M/s Maharaj Prashad Pearey Lal. This document proved otherwise in the hand writing of Ranjan Sharma cash office. Similarly other witnesses were not examined as ledger clerk a key witness even in the court also.

17. On the other hand, management despite seeking dates after examining P. Amitraj Enquiry Officer before this court did not examine any other witness and closed the management's evidence with *malafide* intention/

purpose so the complete truth could not come as above referred witnesses were not examined by the management. As regard sole witness examined by the management in this court MW1 P. Amritraj Enquiry Officer, firstly it is not disputed and admitted by this witness also in cross-examination that he is not only a bank officer but highly qualified having master degree in law and that he made preliminary enquiry in this case. Both the charge sheets routed through him and thereafter he was made the Enquiry Officer being prosecutor. That there is no paucity/shortage of other senior officer in the bank. Despite being a prosecutor, incharge of the DAC, who prepared the charge sheets and submitted these to the bank was again made the Enquiry Officer in both the charge sheets, well knowing that being so highly qualified in law he can face the cross-examination in court despite he is not even dealt with the cash and not even working in the concerned branch forcefully compelled to appear in the court as only witness. Although dates were taken by the management to produce further evidence but no further evidence was produced on merits and on reference and further, evidence was closed by the management to avoid cross-examination of these defaulters witnesses from the advocate of the workman. P. Amritraj, incharge of the DAC, who prepared the charge sheets and submitted these to the bank was again produced as only witness being the Enquiry Officer in both the charge sheets, well knowing that being so highly qualified in law he can face the cross-examination in court despite he is not even dealt with the cash Register or record and not even worked in the concerned branch, forcefully compelled to appear in the court as only witness, his holding and conducting enquiry is also against the principle of natural justice. The case made against the workman was so complicated that a simple clerk can not contest his own case where generally being is proving severest punishment of dismissal. He should have been allowed assistance of an advocate as it was within the discretion of the management and under the rules to provide a legal person where the case is complicated. Only orally saying that it is not a complicated case, it is not sufficient. There is a clear violation of principle of natural justice.

18. While summing up his arguments learned counsel for the workman submitted that as the enquiry proceedings were conducted against the principle of natural justice and further enquiry was held by a person who was earlier held preliminary enquiry and workman was not provided assistance of legal person and advocate is clear violation of principle of natural justice as the rules of the bank provide that disciplinary authority can provide legal assistance in complicated cases. He submitted that therefore, enquiry was not fair and deserved to be vitiated. Further as regards on merits i.e. against the dismissal of the workman, workman examined three witnesses who proved that workman is innocent and the then branch manager A.K. Verma may be defaulter with one Ranjan Sharma who was also cash officer. A.K. Verma admitted to the extent that one slip whose charge was made against the workman, that cheating was done by Ranjan Sharma cash officer. Why not other slips. Had

workman got the opportunity he would have proved quite with other slips. which also prepared by Ranjan Sharma, had Ranjan Sharma and A.K. Verma appeared in witness box in Court. He submitted that against the evidence of workman of three witnesses and that admission of A.K. Verma in enquiry which fact was admitted by only witness of the management, P. Amritraj that one slip alleged against the workman to have overwrite etc. was done by Ranjan Sharma and at least this slip has been held not proved against the workman. It has also come in the bank record that change of date from 5-8-92 to 7-8-92 was changed but change was not in the hands of the workman and bank witness A.K. Verma during the enquiry admitted that the date "7-8-92 appears to have been written by Ranjan Sharma cash officer on that date". After this disclosure by Manager further Enquiry Officer, should have checked & opinion of hand writing expert would have been taken to prove for justice as to say who did it.

19. While summing up his arguments workman advocate submitted that it is case where a poor clerk is a victim without any fault and in this complicated case where two charge sheets were made against him, there is no evidence on record brought by the bank despite opportunity given to the management to produce evidence on reference and dismissal. Whereas workman by oral evidence, documents circumstances, proved that workman who was transferred & did not join after 14-8-92 this branch other misstaff taking adverbly of it, hatched a conspiracy, they ever did not appear as witness nor were made defaulter in enquiries.

20. Ld. counsel has submitted that workman on oath in evidence in affidavit has proved his case to which there is neither cross nor rebuttal evidence. Hence dismissal of the workman is bad being without any fault of workman who is a victim of a conspiracy hatched by Manager & other staff. Workman deserves to be reinstated in service with full benefits.

21. On the other hand learned counsel for the management strongly submitted that the management has taken all necessary steps in conducting enquiry firstly without any bias, proceeded further against the workman. He submitted that on 14-8-1992 though it was last day of the workman in that branch and on the next day of duty he has to join and work in another count two kms. away but on the last date i.e. 14-8-1992, workman embezzlement Rs.55500 which were deposited late. No evidence of brought on record by workman.

22. Thereafter on enquiring further complaints against the workman, further misconduct and act of mistrust came to the knowledge and those were also probed. Although workman was not on duty there and the enquiry was made in his absence but it was done by responsible officer of the bank and after that enquiry, investigation in this case where Mr. P. Amrit Raj was also working after considering all facts and documents, bank decided to issue charge sheets against the workman, first charge sheet No.29/92 dated 3-11-1992 regarding incident of late cash deposit and second

charge sheet was served vide No. 36/92 dated 14-12-1992 regarding altering the dates of certain deposits in the bank and using that money by the workman and after holding proper and fair enquiry in both charge sheets, the workman was found guilty of the charges. He was given personal hearing and ultimately, his services were dismissed. The management's learned advocate submitted that though there is a provision in bank rules to provide assistance of an advocate to a employee facing departmental enquiry but that assistance of an advocate is to be allowed in complicated case. The present case involving the workman in cheating and misconduct wherein his services were dismissed is not a complicated case and it was simple case of embezzlement and did not need assistance of an advocate in contesting enquiry for the workman. He also submitted that although the enquiry was completed in 2/3 sittings because of workman but the enquiry was fair, he also submitted that enquiry officer was an official of the bank and that the bank management entrusted him duty to where as a enquiry officer, which he has to abide by the orders and he become enquiry officer and conducted the enquiry fairly. Even in appeal workman failed to show that any miscarriage of justice to him caused. There was no violation of principle of natural justice. He also referred to judgements 2000 Lab IC 3302, 2002 LLR 383, 2002 LLR 347, AIR 1998 SC 300, 2003 (2) RSJ 297, AIR 2001 SC 2418, 1995 LLJ 1011, 1997 (II) LLJ 542, and 2001 LLR 777.

23. While summing up his arguments he submitted that the punishment of dismissal is an appropriate Punishment and it should not be reduced on the ground that the charges of breach of trust and mis-appropriation of goods were not of in much quantity and were of small amount. He also submitted that the management's only witness MW1 P. Amritraj who was the enquiry officer and who earlier also dealing with the case at the preliminary stage as investigator and at the stage when charge sheet was prepared became adjudicator to decide enquiries against workman. He was made also the oral witness of bank who deposed in the court also as he was fully aware of the facts being investigation and enquiry officer. He has fully supported the case of the management that enquiry was fair and that management proved the charges even in the court. He while summing up his arguments submitted that though the management has tried to bring entire evidence on reference and merits i.e. on dismissal whether it was justified or not but if the learned court is pleased, may grant one more opportunity to lead further evidence to prove the charges in the court again. He submitted that the management has proved that the action of the management of Canara Bank in dismissing the services of the workman Satish Kumar is just and legal as enquiry was fair and workman is not entitled to any relief and also workman also not entitled to any backwages.

24. In view of the above submissions and my perusal of oral evidence and documents, I found that as regard charge sheet 29/92 dated 3-11-1992 and 36/92 dated 14-12-1992 the main dispute between the parties is that as per the management, enquiry was fair and needs no

interference. To this extent both parties are in arguments that if enquiry proved fair in court, there is no need further to decide otherwise on merits reference is to be decided.

25. On the other hand, it is strongly opposed and submitted by the workman that the enquiry was not fair and there is violation of principle of natural justice on the ground that (1) despite provision of providing assistance of an advocate to a workman facing enquiry, help of an advocate was declined on the ground that despite workman was involved in a case where generally punishment is dismissal from service is not a complicated case and simply stated that it is a simple case of embezzlement and mistrust. The workman has referred to judgements 1972(3) SCR 485, AIR 1991 SC 1221, 1983 (2) SCC 442, 1983 SCC (L&C) 61, 195 Andhra Pradesh 414, AIR 1970 SC 2086, (2001) 1 SCC 182, AIR 1957 Allahabad 297, AIR 1967 Himachal Pradesh 4, AIR 1940 Sind 107, AIR (34) 1947 Lahore 238, AIR 1958 SC 86.

26. It is further submitted by workman's advocate that Mr. P. Amritraj enquiry officer in both the charge sheets who also conducted the enquiry in two sittings in first charge and in three sittings in second charge sheet. He was a investigator propsecutor and Adjudicator. He is an interested person in the success of the case, the bank has number of officers who could be appointed enquiry officer in this case instead of P. Amritraj who was working in disciplinary action cell was choosen. Learned advocate for the workman further submitted that the management did not produce effective and concerned witness wherein during the course of virtually no witness enquiry it has come to the notice of the enquiry officer that one of the misconduct i.e. defacing the slip and changing the date in the slip was done by cashier of the bank Ranjan Sharma and it is Ranjan Sharma having the one key of the safe of the bank alongwith the manager. He further submitted that because of this reason, when some amount was deposited late, entry was made in daily late deposit cash register, which is signed by the workman, Ranjan Sharma and manager A.K. Verma and thereafter amount was kept therein having the keys with Ranjan Sharma and manager A.K. Verma. Further after this incident of deposit and locking of the safe of the bank by Ranjan Sharma and manager A.K. Verma in the presence of workman, thereafter, workman never came to the branch and working at different place 2 kms. away. From above the facts and circumstances one can reach to only one conclusion that either all three staff, i.e. workman, cashier Ranjan Sharma and Manager are equally responsible or hatched a conspiracy of the later two cashier and manager and this fake story was concocted to implicate the workman.

27. On perusal of the law referred by the workman, I am of the considered view that when the workman was involved in a case where severe punishment used to be awarded, there can be no complicated case other than this. Although complicated case are not defined but considering the stringent punishment, usually awarded, the management should have allowed the assistance of

advocate to avoid the violation of principle of natural justice and workman being a lay man, he could not prove certain important documents which were in the knowledge of the enquiry officer. He neither led any evidence nor examined himself. I am, therefore, of the considered view that conduction of the enquiry by P. Amritraj and adjudicated upon the charges by him especially when he was working in disciplinary action cell and dealing with this case and also responsible for preparing the charge sheets in one way, he was a prosecutor in this case and then he was made adjudicator and this violation of law referred by the workman is a glaring instance of violation of principle of natural justice when bank did not provide assistance of an advocate, despite there was a provision in the rules of the bank to provide assistance of advocate in complicated matters and that conducting of enquiry in both the charges by P. Amritraj when he was prosecutor and dealing with the charges. While working in disciplinary action cell, he was made adjudicator. This all is in violation of principle of natural justice and in no way enquiry can be said that fairly done.

28. In this case both the parties hotly contested this case and on 24-12-2004, workman advocate made a statement in the court that in view of different orders regarding future proceedings and on the questioning of the court he stated that in the interest of justice for workman, this case may be fixed for evidence and entire reference should be decided with all objections at one time to whom the management has no objection and the case was fixed for parties evidence. Workman examined three witnesses including himself and management examined only one witness i.e. enquiry officer P. Amritraj in view of my above discussion, it is not disputed that P. Amritraj was an officer who was working in disciplinary action cell and was also associated with the preparation of two charge sheets served on the workman and he was appointed enquiry officer to conduct the enquiry in both the charges and ultimately he conducted the enquiry and gave the findings holding the workman guilty of the charges and ultimately the workman was dismissed from service. Shri P. Amritraj was made the adjudicator and, further with a new role of any witness of bank.

29. From the entire evidence on record and documents, it is quite clear that P. Amritraj MW1 the only witness examined by the management in this case is in nowhere concerned in any manner with the functioning of the branch at any time. He did not see any thing except either as a prosecutor or adjudicator. Learned counsel for the workman had submitted in this case that examination of P. Amritraj adjudicator/prosecutor of the bank who is neither a complainant nor an eye witness nor a witness of fact, and was also not working in branch ever, noting has taken place in his presence, whatever he will give/say is a per record or hearsay.

30. Even this only witness has admitted that in case of charge sheet No. 36/92 incident took place in the bank staff where alteration of entries was done. Act of alteration of one fake entry on credit slip of Rs. 58,000 dated 5-8-92 was defaced in pad ink and the date was changed from 5-8-92 to 7-8-92 and as per admission of MW1, P. Amritraj in

cross examination, he has admitted that manager A.K. Verma in enquiry admitted that this credit slip for Rs. 58,000 from dated 5-8-92 to 7-8-92 was changed by Mr. Ranjan Sharma cashier of the bank at that time. What does it mean, that for two days Rs. 58,000 were utilised by some one else and not by the workman. Similarly as per charge sheet No. 129/92, it was alleged against the workman that he received Rs. 31,500 and Rs. 35,000 from the two clients to be credited to their respective current account on 14-8-92. The workman has denied on oath having done any embezzlement and on oath that he deposited in the presence of manager A.K. Verma and cashier Ranjan Sharma and there are entries in Late Cash Deposit Register and thereafter on 14-8-92 in the presence of workman Ranjan Sharma Cashier and Manager A.K. Verma closed the safe with their keys and there is no cross-examination and rebuttal of his evidence it is proved that workman received the above amount late on 14-8-92 and in the presence of Ranjan Sharma Cashier and A.K. Verma Manager. The same was deposited and kept in safe of Bank after entries in Double Lock late cash deposit register it bears signatures of all three.

31. The workman also on oath deposed that as regard alteration in dates as per second charge sheet, it was not done by him. His handwriting was not taken and no comparison was made. On oath workman submitted that he is innocent and he has done no act of embezzlement and no act in altering the dates as per charge sheet. It is also not disputed that no action was taken against Ranjan Sharma the then cashier as the manager deposed in enquiry that date was changed by Ranjan Sharma from 5-8-92 to 7-8-92. It is also submitted by the workman's advocate that workman examined three witnesses who on oath deposed that workman was innocent, whereas not a single witness was examined by the management to rebut the evidence of the workman to which the advocate of the workman submitted that witnesses of the management could not dare to face the cross-examination as they are not innocent.

32. In view of the above submissions of the parties and my perusal of oral evidence of the parties, I have found that no material witness of incident/occurrence proving both the charge sheets was examined by the management bank, rather as per record, it is proved by the evidence of the management, i.e. MW1, that one incident/cheating of entries or change of date from 5-8-92 to 7-8-92 of Rs. 58000 deposit was done by the then cashier Ranjan Sharma.

33. I, therefore, hold that management failed to prove that workman Satish Kumar did not misconduct in altering in date of certain entries and embezzlement as has been charged in charge sheet No. 29/92 dated 3-11-1992 and 36/92 dated 14-12-1992 and, therefore, without any evidence, when the actual culprit has gone scot free i.e. Ranjan Sharma, Cashier against whom there is evidence the action of the management of Canara Bank in dismissing the services of Shri Satish Kumar, is not legal and not justified.

34. As regards to which relief, the workman is entitled and from what date, learned counsel for the workman left it to court in view of the latest law of 2005 laid down by the

Hon'ble Supreme Court, that when the workman has not worked, to allow full back wages is not a good proposition. I order that workman is entitled to reinstatement from the date he was dismissed and should also be entitled to all the service benefits including seniority etc. including pay and allowances as if the impugned dismissal order never been passed. As regards arrears of pay and other allowances, whatever total arrears of pay and allowances are calculated, workman shall be entitled to 30% of the total amount so arrived. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh RAJESH KUMAR, Presiding Officer

नई दिल्ली, 11 मई, 2006

का. आ. 2163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ. सी. एल. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असानसोल के पंचाट (संदर्भ संख्या 38/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/351/1999-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 11th May, 2006

S.O. 2163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.38/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 11-5-06.

[No. L-22012/351/1999-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

PRESENT:

Sri Md. Sarfaraz Khan,

PRESIDING OFFICER

REFERENCE NO.38 OF 2000

PARTIES : Agent, Mithani Collieries of ECL

V/S.

The Treasurer, Colliery Mazdoor Union, Asansol.

REPRESENTATIVES

APPEARANCES:

For the Management : Sri P. Goswami, Advocate

For the Union (Workman) : None

State : West Bengal Industry : Coal

Dated, the 8th February, 2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt of India through the Ministry of Labour vide its letter No. 22012/351/99/IR (CM-II) dated 29-02-2000/07-03-2001 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of Mithani Colliery under M/s. Eastern Coalfields Ltd. by not allowing Rest Day to 33 Numbers of Security Guards under their disposal is justified ? If not, to what relief the workmen are entitled?"

After having received the order No. L-22012/351/99-(IR-CM-II) dated 29-2-2000/7-3-2001 of the reference referred above from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute raised, a reference case No. 38 of 2000 was registered on 18-04-2000 and accordingly an order was passed to issue notices to the respective parties through the registered post with a direction to appear in the court and file their respective written statements along with documents in support of their claims. In compliance to the said order notices through the registered post were issued to the parties concerned. Shri P. K. Goswami, Advocate appeared on 20-11-01 to represent the management along with a letter of authority from the management. It is further clear from the order sheets of the record that the learned Advocate Sri P. K. Goswami filed a written statement on behalf of the management in support of its case on 04-03-2005 which was kept on the record.

On perusal of the record it transpires that twice notices through the registered post were issued to the union directing the union to appear in the court and file a written statement in support of its claim. It is further clear from the record that notices were duly served upon the union and endorsement to that effect has been made in its Acknowledgement Card. The Order sheets of the record go to reflect that several opportunities and adjournments were given so that the union may appear and file its written statement but to no effect. So it is clear that the union has got no interest and does not want to proceed with the case. In the present facts and circumstances of the case it is not proper and advisable to keep the record pending any more in anticipation of the appearance of the union. As such, it is hereby.

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Government of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 11 मई, 2006

का. आ. 2164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. इ. सी. एल. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 30/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/18/1998-आई आर(सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 11th May, 2006

S.O. 2164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.30/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 11-5-2006.

[No.L-22012/18/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

NO. CGIT/LC/R/30/99

PRESIDING OFFICER: SHRI C. M. SINGH

The Branch Secretary,
S.K.M. S. Br. Banki,
P. O. Bankimogra,
Distt. Bilaspur (CG)
Bankimogra

Workman/Union

Versus

The Deputy General Manager,
SECL, Banki Colliery,
P.O. Banki Mongra,
Distt. Bilaspur (CG)
Bankimogra

Management

AWARD

Passed on this 25th day of April, 2006

The Government of India, Ministry of Labour vide its Notification No. L-22012/18/98/IR (CM-II) dated 11-15/12/1998 has referred the following dispute for adjudication by this Tribunal:—

"Whether the action of the Management of SECL, Banki Colliery, Distt. Bilaspur in not changing the date of birth of Sh. Santram S/o Sh. Kedar Ram, Tech. Fitter (Form B Register No. 1102) from 01-01-1939 to 9-4-1947 is justified? If not, to what relief the workman is entitled?

2. After the reference order was received, it was duly registered on 11-1-1999 and notices were issued to the parties to file their respective statements of claim. Since no one put in appearance and filed statement of claim on behalf of the workman inspite of sufficient service of notice on the workman the reference was ordered to proceed ex parte against the workman by order dated 11-5-04 of this tribunal.

3. The management filed their statement of claim. Their case in brief is as follows. That the management is a subsidiary company of Coal India Limited, SECL having several collieries spread all over the State of Chhattisgarh and Madhya Pradesh. The workman was initially appointed on 11-8-1965 as loader by the NCDC Ltd, which was a Government of India company. The NCDC Ltd. maintained certain records of workman wherein his date of birth has been recorded as 01-01-1939 Subsequently the workman was converted to time rated and promoted from time to time as per cadre scheme and at the time of retirement, he was working as mechanical fitter. At the time of his initial appointment, he had declared his date of birth as 1-1-1939 and it was recorded in Form-B, Register. This entry is based on the declaration given by each workman. This Form-B Register bears the signature of workman as a token of correctness of the entries made therein. At the time of initial appointment workman Shri Santram declared his date of birth as 1-1-1939 This Form B Register bears the signature of the workman. After coming into force, the NCWA-III and in modification of Implementation Instruction (II) No. 37, the JBCCI issued I. I. No. 76 dated 5-2-1981 has been revised. Under the aforesaid Implementation Instruction, Age Determination Committee/Medical Board will be constituted for settlement of age dispute. The Age Determination Committee will consider those cases wherever there is a variation in the age recorded in the records being maintained by the management. Where the Age Determination Committee satisfied that there is glaring disparity between the date of birth recorded in the Company's record and the apparent age of the employee, the cases may be referred to Apex Medical Board located at headquarters of the company for determination of age. Clause IV-B of I. I. No. 76 deals with review/determination of date of birth in respect of existing employees. Workman Shri Santram objected to his date of birth on the basis of a so-called marked sheet and transfer certificate. That the documents produced by him were not admissible as per I. I. No. 76. Therefore the date of birth initially recorded in various statutory records as 1-1-1939 has been treated as final. Since the claim of the workman that his date of birth was 9-4-1947 is not tenable on the facts and circumstances, as he has made his claim on the basis of so-called marksheets and transfer certificate.

4. The Management has filed affidavit of Shri B. K. Narendra the then working as Sub Area Manager in Banki Sub Area of SECL, Korba Area in support of their case.

5. I have heard Shri A. K. Shashi, Advocate, the learned counsel for the management. I have very carefully gone through the entire evidence on record.

6. It is worthwhile to note here that the workman failed to file his statement of claim and the reference proceeded ex parte against him. Therefore there is no evidence on record on behalf of workman. Against the above, the case of the management is fully established and proved from the uncontested and unrebutted affidavit of management's witness Shri B. K. Narendra.

7. In view of the above, it is concluded that the action of the management of SECL, Banki Colliery, Distt. Bilaspur in not changing the date of birth of Shri Santram, S/o Shri Kedar Ram, Tech. Fitter, Banki Colliery (Form-B Register No. 1102) from 1-1-1939 to 9-4-1947 is justified and the workman is therefore not entitled to any relief.

8. It is concluded from the facts discussed above that the reference order is answered in favour of management and against the workman as follows :—

"The action of the Management of SECL, Banki Colliery, Distt. Bilaspur (MP) in not changing the date of birth of Shri Santram, S/o Shri Khedar Ram, Tech. Fitter, Banki Colliery (Form-B Register No. 1102) from 1-1-1939 to 9-4-1947 is justified and the workman is not entitled to any relief. The parties shall bear their own costs of this reference.

9. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presideing Officer
नई दिल्ली, 11 मई, 2006

का. आ. 2165.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डब्ल्यू. सी. एल. के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकारण जबलपुर के पंचाट (संदर्भ संख्या 98/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/361/2000-आई आर(सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 11th May, 2006

S. O. 2165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 98/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 11-5-06.

[No. L-22012/361/2000-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR NO.CGIT/LC/R/98/2001 PRESIDING OFFICER: SHRI C. M. SINGH

The General Secretary,

B.K.K.M.S (BMS),

PO Parasia,

Distt. Chhindwara (MP)

Workman/Union

Versus

The Chief General Manager,

WCL, Kanhan Area,

PO Dungaria,

Distt. Chhindwara (MP)

Management

AWARD

Passed on this 26th day of April-2006

1. The Government of India, Ministry of Labour
Vide its Notification No. L-22012/361/2000/IR(CM-II) dated

30-05-2001 has referred the following dispute for adjudication by this Tribunal :—

"Whether the action of the Chief General Manager, WCL, Kanhan Area in not regularising Smt. Mamta Parkhey, General Mazdoor in clerk Grade-III w.e.f. 20-12-97 is legal and justified ? If not, what relief she is entitled to" ?

2. After the reference order was received, it was duly registered on 19-6-2001 and notices were issued to the parties to file their respective statements of claim. during the pendency of the reference, management filed affidavit of Shri Gulam Hussain working as Personal Manager in the management, along with office order and the memorandum of the settlement Form-H, Shri A. K. shastri, Advocate for he management submitted that the matter has been decided between the parties as per terms and conditions mentioned in the memorandum of settlement. I have very carefully gone through the record. There is a duly verified memorandum of settlement form-H on record, an office order dated 3-9-2003 and an affidavit of shri Gulam Hussain, Personal Manager of the management. It is very clear from the above documents that the Industrial Dispute between the parties has been resolved by mutual understanding and now no dispute is left between the parties., the memorandum of settlement Form-H reveals that the following are the terms and conditions of the settlement :—

- (i) It has been agreed by BKKMS (BMS) Union to withdraw from CGIT, Jabalpur Case No. CGIT/LC/R/98/2001 where the case is pending for consideration and after regularisation in clerical Gr. III the case will be settled fully and finally.
- (ii) It has been agreed that on the basis of regularisation with immediate effect, fitment will be done accordingly and it will be binding on both the parties to accept/pay the basic salary calculated based on fitment as per company rule.
- (iii) This settlement shall not to be cited as a precedence in any other case or at any other time.
- (iv) Neither the workman himself nor concerned union or any other union shall raise any dispute regarding regularisation from retrospective effect and arrear wages thereof or any other claim in future before any statutory or non-statutory, judicial or non-judicial authorities.

3. The terms and conditions mention above of the settlement are just and proper and therefore the award is passed in terms of settlement without any order as to costs. The reference is decided accordingly.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presidng Officer

नई दिल्ली, 11 मई, 2006

का.आ. 2166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 40/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/53/1996-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी
New Delhi, the 11th May, 2006

S.O. 2166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/1999) of the Central Government Industrial/Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 10-05-2006.

[No. L-22012/53/1996-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I.D. Act, 1947

Reference No. 40 of 1999

PARTIES

Employers in relation to the management of Food Corp. of India, Patna and their workmen.

APPEARANCES

On behalf of the employers : Mr. M.K. Sikdar, Shri N.P. Singh, Mr. P.K. Acharjee and Mr. Shubhansu, Representatives for the management.

On behalf of the workmen : Mr. U.K. Dubey, Representative

State : Bihar Industry : Storage of Food grains
Dated, Dhanbad, the 3rd April, 2006

AWARD

The Govt. of India, Ministry of labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this

Tribunal for adjudication vide the Order No. L-22012/53/96-I.R. (C-II) dated, the 10th March, 1997.

SCHEDULE

"Whether the action of the management of the Food Corporation of India in not regularising the services of Sh. Jageshwar Jha is legal and justified ? If not, to what relief he is entitled to?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was employed by the management at Movement Cell Narayanpur Anant (Muzaffarpur) to perform the duty of casual labour w.e.f. September 1979. They submitted that being satisfied with the work of the concerned workman the District Authority shifted him from Movement Cell, Narayanpur Anant to District Office, Muzaffarpur where he was in continuous service and through acquaintance roll salary used to be paid to him once in a month regularly and occasionally from the Contingent Fund.

They submitted that Food Corporation of India New Delhi under signature of Mr. A.K. Pandey, the then Personnel Manager issued a circular dt. 2-5-86 directing Zonal Managers/Sr. Regional Managers/District Managers/Deport In-charges to furnish details of casual workers appointed under the Corporation for regularisation. They alleged that in view of the said Circular though names of other casual workers were forwarded management ignored to forward the name of the concerned workman intentionally for the purpose of his regularisation.

They further disclosed that Board of Director Food Corporation of India in 176th meeting held on 24-2-1987 decided that services of all casual/daily related workers who were on roll of Food Corporation of India and have completed three months service on or before 2-5-86 will be regularised against the entry level post category III and IV as per their qualification. Such decision was conveyed to all concerned under Food Corporation of India and in response to that Circular though names of several casual workers were forwarded and regularised the local management arbitrarily ignored to send his name and for which he failed to get scope for his regularisation inspite of his rendering service continuously for a period of eight years. On the contrary without issuing any notice and also without paying any compensation retrenched him from his service illegally, arbitrarily and violating the principle of natural justice.

After his retrenchment he submitted representation to the management with prayer for his regularisation in view of decision taken by the Board of Directors in its 176th meeting held on 24-2-1987 but to no effect and for which he raised an Industrial Dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

They accordingly submitted prayer to pass award directing the management to regularise the concerned

workman as class IV staff with back wages and other consequential reliefs.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement on behalf of the concerned workman.

They submitted that one Jamun Das was engaged as water carrier in the year 1973 at District Office, Muzaffarpur and he left his engagement in the month of January, 1986 demanding higher wages. Thereafter, local management engaged the concerned workman as water carrier for the months of May and June 1986 and during these two months he worked for 25 days and 23 days respectively. They submitted that as the superior authority did not approve continuance of Shri Jha as casual water carrier the local management did not engage him any further as water carrier.

During this period Sri Jamun Das approached the management for his reengagement and on negotiation new rate of wages was fixed and he was allowed to perform his duties as casual Water carrier and other incidental jobs. Thereafter for his regularisation as class IV staff he raised an Industrial Tribunal No. 1 his service was regularised as class IV staff.

They submitted that the concerned workman taking advantage of the situation raised the present demand for his regularisation falsely taking the plea that he was engaged by the management from September 1979.

They submitted that the concerned workman was allowed to work for the months of May & June 1986 and worked for 25 days and 23 days respectively as water carrier. Again in the month of November 1986 as casual labour he was engaged for 7 days only. They disclosed that as the concerned workman was engaged as water carrier and worked for two months only in one occasion and for seven days to perform some miscellaneous job he cannot demand for his regularisation as class IV employee or in any other capacity.

Accordingly they submitted prayer to pass award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

"Whether the action of the management of Food Corporation of India in not regularising the services of Sh. Jageshwar Jha is legal and justified? If not, what relief he is entitled to?"

5. FINDING WITH REASONS

It transpires from the record that the sponsoring union inspite of getting sufficient opportunity has failed to examine any witness. On the contrary management with a view to substantiate their claim examined one witness as M.W.I.

It is the specific claim of the sponsoring union that management first employed the concerned workman as casual labour in the month of September at Movement Cell

Naryanpur Anant, Muzaffarpur. Thereafter, management shifted him to District office, Muzaffarpur from Naryanpur Anant being satisfied with his work. It has been disclosed by them that through acquittance roll management would pay him salary on monthly basis. However occasionally they used to pay him salary from Contingent Fund. It is their specific contention that inspite of putting attendance for more than 240 days in each year and also inspite of rendering continuous service from September 1979 management without giving him any notice or paying any compensation retrenched him from service w.e.f. 1-1-1988.

Sponsoring union specifically asserted that Board of Directors of the Food Corporation of India in its 176th meeting held on 24-2-1987 decided to regularise all class III, class IV casual workers who completed at least three months service under Food Corporation of India on or before 2-5-1986. It is their specific allegation that when management regularised the services of several casual workers as per that circular they did not consider to regularise him as class IV worker inspite of rendering eight years of service continuously without assigning any reasons.

On the contrary M.W.I. corroborating the facts disclosed in the written statement submitted by the management disclosed that the concerned workman was employed as part time casual worker in the office of Food Corporation of India for two months i.e. in the months of May & June 1986 and the due wages to that effect was paid to him through voucher. Copy of the said voucher during his evidence was marked as Exhibit M-1. From this voucher it transpires that in the month of May concerned workman worked for 25 days while in the month of June he worked for 23 days and in all management paid him Rs. 624 as his wages. This witness further disclosed that thereafter the concerned workman was engaged further for a period of 7 days as part time casual worker and wages for that period was paid to him through voucher (Exht. M-2).

The circular issued by the management for regularisation of casual/daily rated workers during evidence of M.W.I. was marked as Exht. M-3.

Para 4 of the Circular speaks as follows :

"In view of the above decision of the Board of Directors, it has been decided to relax the ban on recruitment for filling in entry level category-III & IV posts by considering full time casual/daily rated employees who have been performing duties of regular employees of the Corporation under FCI (Staff) Regulations, 1971 and who have completed three month periods of service as on 2-5-1986 and possess the requisite qualifications etc. The casual employees who do not fulfil the condition of appointment for any entry level category-III & IV posts shall be retrenched by paying retrenchment compensation as required under the provisions of I.D. Act, 1947. The age limit may, however, be relaxed by the competent authority as specified in Appendix-

II of the FCI (Staff) Regulations to the extent of service rendered by such casual employees in the Corporation on daily rated/casual basis. This decision shall not apply for part-time casual employees and casual labour/workers and they shall not be regularised."

Therefore as per this Circular out off date for regularisation of full time casul/daily rated employee was 2.5.1986 subject to fulfillment of the conditions mentioned therein. M.W. I in course of his evidence relying on the documents marked as Exht. M-1 & M-2 disclosed that in all the concerned workman not full time worker but as part time worker worked under the management for a period of two months and the said period was beyond the cut off date as mentioned in the said circular (Exht.M-3). As such there was no scope at all to consider regularisation of the concerned workman as class IV staff under the management. It has been categorically denied by the management that the concerned workman was employed in the month of Sept. 1979 and worked up to 1.1.1988. They also emphatically denied the fact that during the period as claimed by the sponsoring union the concerned workman put his attendance for more than 240 days in each year.

In view of the facts and circumstances discussed above burden shifts upon the sponsoring union to establish that concerned workman was employed by the management as full time casual worker w.e.f. the month of September 1979 and worked continuously upto 1-1-1988 and during the said period he put his attendance of more than 240 days in each year. It is the specific claim of the sponsoring union that the concerned workman used to draw his wages one in a month through acquittance roll. I find no hesitation to say that inspite of getting ample opportunity the sponsoring union did not consider necessary to produce a single scrap of paper to substantiate their claim. Question of regulatisation of casual/daily rated workers as per the Circular (Exhit. M-3) comes in if it is established that the concerned workman fulfilled the conditions laid down therein and management wilfully without assigning any reason refused to regularise him.

It is to be taken into consideration that facts disclosed in the written statement can not be considered as substantive piece of evidence so long it is not substantiated by cogent evidence. The record speaks that the sponsoring union inspite of getting ample opportunity has failed to utilise the same. As such based on the facts disclosed in the written statement there is no scope to uphold the claim of the concerned workman.

A part from the facts discussed above. It transpires that the sponsoring union raised Industrial dispute in the instant case in the year 1996. It is the specific claim of the management that the concerned workman was deployed as part time casual worker for two months i.e. for the month of

May & June 1986 and thereafter in the month of November he was deployed for 7 days to take some miscellaneous job. Accordingly they categorically denied the claim of the sponsoring union that service of the concerned workman was stopped w.e.f. 01-01-1988. In support of this claim management also submitted vouchers (Exht. M-1 & M-2). Accordingly the sponsoring union can not avoid their responsibility to substantiate such claim.

The sponsoring union also can not avoid their responsibility to explain why without raising Industrial Dispute in the year 1988 raised the same in 1996. As such inordinate delay in raising industrial dispute has remained unexplained by the sponsoring union there is scope to draw conclusion in view of discussion made above that they manufactured the story for their own interest.

Accordingly, after careful consideration of all the facts and circumstances I hold that the sponsoring union has lamentably failed to establish the claim of the concerned workman and for which he is not entitled to get any relief.

In the result the following award is rendered:

"That the action of the management of Food Corporation of India is not regularising the services of Sri Jageshwar Jha is legal and justified.

Consequently the concerned workman named above is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 11 मई, 2006

का.आ. 2167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, आसनसोल के पंचाट (सर्दर्भ संख्या 27/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2006 को प्राप्त हुआ था।

[सं. एल-22012/592/1994-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 11th May, 2006

S.O. 2167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/1995) of the Central Government Industrial/Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 11-5-2006.

[No. L-22012/592/I994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****PRESENT :**

Sri Md. Sarfaraz Khan, Presiding Officer.

REFERENCE NO. 27 OF 1995.

PARTIES :

Agent, Dabur Colliery, Salanpur area of ECL.

Vrs.

The Secretary, West Bengal Coalfields

Shramik Congress.

REPRESENTATIVES

For the management : Sri P. Goswami, Advocate.

For the Union (Workman) : Shri N. Ganguly, Advocate.

INDUSTRY : Coal State : West Bengal

Dated the 6th April, 2006.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/592/94/IR (C-II) dated 25-5-1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Badour Colliery under Salanpur Area of M/s. ECL in denying protection of group wages and special piece rate allowance to Sh. Kartick Murmu and 49 others converted and regularized from piece rated to time rated category w.e.f. 1-4-1990 *vide* Order No. C-6/24-A/P/1152 dated 31-3/6-4-1990 is legal and justified? If not to what relief the workman concerned are entitled to?"

On receipt of the Order No. L-22012/592/94-IRC-II) dated 25-5-1995 of the above reference referred from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute raised, a reference Case No. 27 of 1995 was registered on 13-6-1995 and an order was passed to issue notices to the respective parties through the registered post with a direction to appear in the court and file their respective written statements alongwith the documents and the list of witnesses in support of their case. Pursuant to the said order notices were issued through the registered post to the concerned parties. Sri Snehmoi Mahato, Area Secretary, Salanpur Area appeared to represent the union and Sri P.K. Goswami, Advocate, duly authorized appeared on behalf of the management and they filed their respective written statement in support of their claims. From perusal of the record it transpires that the case was fixed for evidence of the union but on the date fixed i.e. 12-12-2002 nobody turned up in the court to represent the union. Another next date 18-12-2003 was fixed for the same purpose but Sri Mahato, Area Secretary representing the union again did not appear in the court, rather Shri N. Ganguly, Advocate appeared to represent the union but the record

does not indicate that he had been authorized by the union to represent it. However subsequently he also left taking any step on behalf of the union. Several adjournments and opportunities were given to the union to appear and examine the witness if any on its behalf but to no effect. In the present facts and the circumstances of the case it appears that the union has got no interest in the case and does not want to proceed with the case further. It is not advisable to keep the record pending any more as no useful purpose is to be served. As such it is hereby :

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 11 मई, 2006

का.आ. 2168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार IISCO के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 57/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-5-2006 को प्राप्त हुआ था।

[स. एल-22012/544/1999-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 11th May, 2006

S.O. 2168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2000) of the Central Government Industrial/Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ramnagar Colliery of IISCO and their workman, which was received by the Central Government on 11-5-2006.

[No. L-22012/544/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.****Present :**

Sri Md. Sarfaraz Khan, Presiding Officer.

REFERENCE NO. 57 OF 2000.

Parties :

General Manager, Ramnagar Colliery, Barakar.

Vrs.

Area Secretary, Dhanbad Colliery Karmchari,

Sangh, Barakar.

REPRESENTATIVES:

For the management : Sri M. Banerjee, Advocate.
 For the union (Workman) : Shri G.C. Chatterjee, Area Secretary, Dhanbad Colliery Karmchari Sangh, Barakar.
 Industry : Coal State : West Bengal

Dated the 26th April, 2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Govt. of India through the Ministry of Labour vide its letter No. L-22012/544/99/IR-(CM-II) dated 13-7-2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Ramnagar Colliery under the IISCO by not offering employment to the dependent of Sh. Ram Kishore Mishra and/or by not giving Idle Wages from the date of declaration of total unfitness up to the date of superannuation (31-07-1998) is legal, valid and justified? If not, to what relief Sh. Mishra is entitled?"

Having received the Order No. L-22012/544/99-IR(CM-II) dated 13-07-2000 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 57 of 2000 was registered on 01-08-2000/17-10-2001 and an order was passed to issue notices by the registered post to the parties concerned with a direction to appear in the court and file their respective written statements along with the documents in support of their case. On receipt of the notices issued Sri G. C. Chatterjee, Area Secretary appeared on behalf of the union and filed written statement in support of its case. Similarly Sri M. Banerjee, Advocate appeared representing the management along with the letter of authority. On 01-10-2002 the written statement was filed by Sri M. Banerjee, Advocate for the management and a date i.e. 09-12-2002 was fixed for evidence by the side of the union.

From the perusal of the records it transpires that Sri G.C. Chatterjee, Area Secretary of the union representing the union left taking any step on its behalf since 27-04-2005. The record further goes to show that since then several adjournments and opportunities were given to the union to appear in the court and pursue its case but to no effect. It appears that the union has lost its interest and does not want to pursue its claim any further. In such prevailing facts and circumstances of the case it is not proper and advisable to keep the reference pending any more as no useful purpose is to be served. As such it is hereby :

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 12 मई, 2006

का.आ. 2169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई जी-43/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-12012/236/2003-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-43/2004) of the Central Government Industrial/Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad and their workman, which was received by the Central Government on 12-5-2006.

[No. L-12012/236/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****PRESIDING OFFICER: R.N. RAL.****I.D. No.43/2004****IN THE MATTER OF:**

Shri Dev Bahadur,

S/o Sh. Ram Singh,

C/o Rashtriya General Mazdoor Union, F-35, Karampura, New Delhi -110015.

VERSUS

The Regional Manager,

State Bank of Hyderabad,

Regional Office-II, 882, East Park Road, Karol Bagh, New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/236/2003 (IR (B-1) Central Government dated 26th February, 2004 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the Management of State Bank of Hyderabad, New Delhi in terminating the services of Shri Dev Bahadur w.e.f. 2-7-2002 is just, fair and legal? If not to what relief the workman concerned is entitled to?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman had been in employment of the management as "Sweeper-cum-Lunch Room Attendant" from last 5 years continuously @ 3900 p.m. last drawn wages with a flawless record of service. That during her tenure of service the claimant has served the management sincerely & there has been no complaint against him. The claimant was appointed by the management at the address of their Chandni Chowk Branch in the month of April 1995 @ Rs. 900 p.m. salary.

That statutory benefits such as appointment letter, Yearly leaves, Causal leave, Wages as per recommendation of 5th Pay Commission, attendance card, Provident Fund, Bonus, annual increment etc. were not provided to the workman by respondent/management, for which he had been urging upon consequently, the management became annoyed against him.

That the management refused employment orally to the workman on 2-7-2002 without any notice or payment of notice pay when he again urged for above said benefits and arrears of wages as per recommendations. The management has not followed the provisions prescribed U/s. 25 of the I.D. Act, 1947. It is pertinent to mention there that the post and work done by the claimant is of permanent nature.

That the workman served protest and demand notice dated 26-7-2002 on the management which stand unrefuted and incontroverted by it.

That the workman was never appointed on daily wages basis but was appointed on permanent/regular basis against permanent job, post and nature of work.

That the termination amounts to illegal, capricious and unjustified retrenchment for want of written termination order with cogent ground, payment of notice wages and retrenchment compensation and the jobs, post, juniors and fresh hands in place of the workman continue with the management.

That the termination even otherwise is the height of mala fide, unfair labour practice and victimisation and also illegal and unjustified.

That the workman is entitled to reinstatement with full back wages and continuity of service for the intervening period of forced unemployment. Inspite of best efforts w.e.f. 2-7-2002 the claimant is still unemployed and depends upon his relatives and hence entitled to monetary relief alongwith consequential benefits in lieu of existing Laws/Govt. Notification and/or other relief as the Hon'ble Court deem fit may also be passed.

That the claimant is out of job since the date of his illegal termination & could not get any job after making her best efforts.

The management has filed statement in the written statement it has been stated that in this case, it is humbly submitted that when the matter in question was pending before the Hon'ble Assistant Labour Commissioner (Central) Labour Office, K. G. Marg, New Delhi vide ALC-I/7 (41)02, the Respondent Bank submitted its detailed

written statement along with annexure and it is requested that the contents of written statement along with all annexure may kindly be perused before passing any appropriate order in this case. And it is clear in this case that the claim of the claimant is neither maintainable on the basis of facts nor as well as law.

That the claim of the claimant is neither maintainable on the basis of facts nor as well as law.

That the claimant wilfully concealed the correct name of his father which has been mentioned as Sri Ram Singh whereas in transfer certificate issued from the Jyoti Prakash P. Madhyamik Vidyalaya Harigaon Khungri submitted by the claimant to the Respondent bank for the purpose of his identification states the name as Shri Dev Bahadur K.C. S/o Shri Tulsin K.C. The claim deserves to be dismissed by the Honourable Court in favour of Respondent bank and against the claimant. A copy of transfer certificate of the claimant is enclosed here with as Annexure A to this written statement.

That the claimant is not a workman as alleged by him.

That no cause of action ever arose in favour of the claimant and against the Respondent bank at any point of time since the claimant was never appointed by the Respondent bank.

That it is wrong to suggest that the claimant was ever appointed by the Respondent bank at any point of time as alleged. It is further wrong to suggest that the claimant was ever appointed as a Sweeper-cum-Lunch Room attendant in the April 1995 at monthly salary Rs. 900 per month. It is humbly submitted that the employment in the bank is through employment exchange and through proper channel. The branch of the bank has no discretion to appoint anyone for any post. If there is regular post in the bank demand will be made from employment exchange to send names of candidates for selecting suitable candidates. It is also wrong to suggest that the claim had been in the employment of the Respondent bank as Sweeper-cum-Lunch Room attendant at the rate of Rs. 130 per day (Rs. 3900 per month) for last five years as alleged. The Claimant was never appointed by the Respondent bank. The claimant was engaged as casual labour on daily petty cash basis for attending petty work.

As per rules the appointment in bank is made through proper channel. Branch of Respondent has no discretion to appoint anyone in any post. If there is regular post in a bank, demand will be made from Employment Exchange to send names of candidates for selecting suitable candidates. The bank can not appoint anyone without proper channel.

The question of benefits as alleged does not even arise. As stated above by the Respondent bank, the Respondent bank never appointed the claimant in the Respondent bank for any post and the claimant was engaged as a casual labour on daily petty cash basis for attending petty works.

That the contents of para three of the statement of claim were wrong and denied. It has already submitted above that since there was no appointment by the Respondent bank the question of termination of job does not arise. Further more the question of other benefits as alleged also do not arise. It is wrong to suggest that the post and work done by the claimant is of permanent and regular nature. It is wrong to suggest that Management did not follow the provisions described under Section 25 of the I.D. Act, 1947. It is further wrong to suggest that the work done by the claimant is of permanent nature.

The claimant through his advocate sent a legal notice dated 26-07-2002 to the Respondent bank the contents of which were also wrong and vehemently denied. It is respectfully submitted that the above stated legal notice dated 26-07-2002 had duly been replied by the Respondent Bank vide reply dated 13-08-2002 through its advocate duly received by the advocate of claimant. The copy of the reply dated 13-08-2002 sent by the advocate of the Respondent bank to the advocate of claimant is Annexure B to this written statement. The contents of reply dated 13-08-2002 submitted by the Respondent bank through its advocate may kindly be read as part and parcel of this written statement.

That detail reply has already been submitted. It has already submitted above that since there was no appointment by the Respondent bank hence the question of termination of job does not arise. Further more the question of other benefits as alleged also do not arise. It is wrong to suggest that the post and work done by the claimant is of permanent and regular nature. The claimant was engaged as casual labour on daily petty-cash basis for petty work.

That it is wrong to suggest that the claimant is entitled for reinstatement or any wages as alleged. The claim of the claimant has also not been properly verified in accordance with law. The claimant is not entitled for any relief as prayed for by him in the claim. The prayer of the claimant is baseless, frivolous and not maintainable in law. The bank can not appoint any one without proper channel. If there is any vacancy in a bank, demand will be made from employment exchange to send name of candidates. The claim of the claimant deserves to be dismissed against the claimant and in favour of Respondent bank with special compensatory cost in favour of Respondent bank.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the claimant that he was in the employment of management as Sweeper-cum-Lunch Attendant w.e.f. April, 1995 till 20-07-2002. He was paid initially Rs.900/- per month and his last drawn salary

was Rs. 3900/-. The workman worked continuously on the post of Sweeper-cum-Lunch Attendant. It is a permanent post in Chandni Chowk Branch of the management.

It was further submitted that Shri Sohan Lal was previously working as Sweeper-cum-Lunch Attendant. He was promoted as Peon and the workman was engaged in his place. The workman discharged duties satisfactorily till 20-07-2002 and he was orally refused employment by the management thereafter.

It was further submitted that Ex. WW1/3 to Ex. WW1/5 are the correspondence letters of the Chief Manager of Chandni Chowk Branch of the management written to Regional Office. It transpires from perusal of the Ex. WW1/3 that Branch required a permanent Sweeper and the Chief Manager recommended the name of Shri Dev Bahadur for appointment of Sweeper-cum-Peon on permanent basis. WW1/4 is recommendation letter sent to the Regional Office on 20-05-2000. It becomes quite obvious from perusal of this letter that the Branch comprised of three floors and a permanent Sweeper was required to keep the premises neat and clean so a request was made to give permanent appointment to Shri Dev Bahadur as Sweeper.

It was further submitted in EX.WW1/5 it has been mentioned that Chandni Chowk Branch has a permanent post of Sweeper-cum-Lunch Attendant and it was lying vacant as a result of promotion of Shri Sohan Lal Peon. WW1/6 proves that Shri Narain Chand Lunch Room Attendant was promoted to Peon and Shri Sohan Lal was taken at his place.

It was further submitted from the side of the workman that the documents mentioned above amply proves the fact that the Branch has three floors and there was a need of permanent Sweeper-cum-Lunch Attendant. Previously Shri Narain Chand and Shri Sohan Lal worked as Sweeper-cum-Lunch Attendant and they were subsequently promoted to the post of Peon. These discussions proves beyond any shadow of doubt that the work of Sweeper-cum-Lunch Attendant is a permanent and continuous work. It was necessary for keeping the bank premises neat and clean. It has been also proved that the workman has been working from April 1995 to 20-07-2002 so he has performed continuous duty for seven years. He has worked for more than 240 days in seven years.

It is also admitted that no compensation U/s. 25 F of the I.D. Act has been paid to the workman. My attention was drawn to 2005 (9) SCC 365. The Hon'ble Apex Court has held that in case service is continuous and breaks are artificial and deliberate and the workman has completed 240 days continuous employment, he deserves to be reinstated. However, the back wages has been reduced to 50%.

It was submitted from the side of the bank that the claimant has willfully concealed the correct name of his father. There is mistake in the name of his father but that is not a material mistake and the workman has moved an application for correcting the name of his father. It is a clerical mistake. It is not denied that the workman Shri Dev Bahadur was not engaged in the Bank. There is no force in this argument.

It was submitted that the workman was not appointed as Sweeper-cum-Lunch Attendant. It is abundantly proved from the document and admission of the management witness that the workman has been working in the Bank as stated by him.

It was further submitted that appointment is made through proper channel. Branch of respondent has no discretion to appoint anyone in any post. If there is regular post in a Bank, demand will be made from employment exchange to send names of candidates for selecting suitable candidates. Appointment can be made only through proper channel after advertisement and sponsoring from employment exchange. The workman was engaged as casual labour on daily petty cash basis for attendant work. The work done by the claimant is not of regular and permanent nature.

It was further submitted that no appointment letter has been issued to the claimant. It is not the case of the claimant that he was issued appointment letter. The claimant has consistently stated that he was engaged as Sweeper-cum-Lunch Attendant initially on Rs. 900/- per month and his last drawn salary was Rs. 3900/-. This fact has not been denied anywhere in this case by the management. So it remains proved that the workman was initially engaged in April, 1995 and he worked up to 20-07-2002 and his last drawn salary was Rs. 3900/-. So the case law cited 2005 (9) SCC 365 is squarely applicable in this case. Sufficient work was available and the work is still existing. The Bank cannot maintain three floors premises without a Sweeper-cum-Lunch Attendant.

It was submitted from the side of the management that an appointment made in violation of mandatory provisions of statute and in particular ignoring minimum educational qualification would be wholly illegal and such illegality cannot be cured by taking recourse to regularization.

It was further submitted that appointment made on contractual basis cannot be regularised. *Adhoc* appointment also cannot be regularised.

My attention was drawn to 2005 (4) AD (SC) 39, a three Judges Bench of the Hon'ble Supreme Court. In that case the reference culminated in an award directing the appellant to reinstate the respondent in service at his original post with continuity of service and back wages. The workman in that case has worked for 240 days and the Hon'ble Supreme Court dismissed the appeal of the management respondent and held that the workman is entitled to reinstatement with full back wages.

It was submitted from the side of the management that in 1997 (4) SCC 391 it has been held by the Hon'ble Apex Court that dispensing with service of persons engaged on daily wages in a Government Department is not retrenchment. This case law is not applicable as it relates to Article 309 of the Constitution.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh.

The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

My attention was also drawn to Appeal No. 1968/2006 Constitution Bench Judgment in which it has been held that people engaged by Government on daily wages basis do not have the right of regularization of their services even they have continued in the same job for years. There is no right of regular employment of a daily wager. This Constitution Bench Judgment relates to Article 226 of the Constitution and the Hon'ble Apex Court has held that daily wagers have no right of regularization.

In the instant case the workman has successfully proved that he has worked for seven years on the post of sweeper-cum-lunch attendant and when he demanded regularization he was asked not to come.

It was submitted from the side of the workman that in the instant case Sections 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25F are not complied. In the instant case no compensation has been paid to the workman who has continuously worked for 7 years.

It was further submitted that Section 25 T provides that the management should not indulge in unfair labour practice. Section 25 U provides that a person who commits any unfair labour practice will be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to Rs. 1000/- or with both. The intention of the legislature in enacting 25T & 25U is obvious. The legislature wanted that in case Casual and Badlis are engaged for a long period, it amounts to unfair labour practice. There is punitive clause for committing unfair labour practice.

It was submitted from the side of the workman that Vth Schedule of the ID Act specifies some practices as unfair labour practice. The Vth Schedule clause 10 provides the criteria for ascertaining unfair labour practice. It is extracted as hereunder :—

"To employ workman as Badlis, Casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privilege of a permanent workman."

Clause 10 of the Vth Schedule stipulates that in case the workmen are employed as Casuals, Badlis or Temporary and they are continued as such for years, it will amount to unfair labour practice. In the instant case the workman has been continued as casual and temporary for 7 years. It establishes to the hilt that the respondent management has committed unfair labour practice. The workman has been engaged for 7 years as casual and temporary and thereafter he has been removed. He has not been paid retrenchment compensation.

It was submitted that Sections 25F, G, T, U and Clause 10 of the Vth Schedule of the ID Act have been deliberately violated.

The Constitution Bench Judgment and the other judgment referred to above of the Hon'ble Supreme Court are not applicable in view of Sections 25F, T, U & Vth Schedule. In the Constitution Bench Judgment these matters were not at issue. In case a workman has worked for 7 years and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Sections 25F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed un-necessarily so Sections 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workman should not be engaged for years and then he should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid so the workman deserves to be reinstated with 50% back wages.

The law cited by the respondent management relate to Government servants. In the instant case there is no question of regularization but the respondent management has committed breach of Sections 25 F, U, T and clause 10 of the Vth Schedule. The workman has been retained as casual and temporary for 7 years and thereafter he has been removed without paying any compensation and notice as such he deserves to be reinstated with 50% back wages.

The law cited by the respondent management are not applicable as the question of regularization has been decided in those cases.

The workman is a sweeper-cum-lunch attendant, he must have been doing sweeping work though not in any establishment. He has not proved as to his means of livelihood during his period of unemployment. He must be doing some sort of work off and on so 50% back wages are adequate to meet the ends of justice.

He deserves to be reinstated w.e.f. termination of his services with 50% back wages.

The reference is replied thus : —

The action of the Management of State Bank of Hyderabad, New Delhi in terminating the services of Shri Dev Bahadur w.e.f. 02-07-2002 is neither just nor fair nor legal. The workman applicant is entitled to be reinstated w.e.f. 02-07-2002 with 50% back wages. The management is directed to reinstate the workman applicant and make payment of the entire arrears within two months from the date of publication of the award. In case of default the workman applicant will be entitled to get 10% interest on his accrued back wages.

Award is given accordingly.

12-5-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 12 मई, 2006

का.आ. 2170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एसोरेन्स कम्पनी लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी-24/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-17012/18/2002-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-24/2003) of the Central Government Industrial Tribunal-Labour Court Lucknow as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 12-05-2006.

[No. L-17012/18/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I.D. No. 24/2003

Ref. No. L-17012/18/2002-IR(B-I) Dated 10-2-2003

BETWEEN

Sri Omed Ahmad Khan,

Mohalla Goriyana Ward 24,

Post & Distt. Bhadohi-221401 (U.P.)

AND

Divisional Manager,

The New India Assurance Co. Ltd.,
 Divisional Office, Satya Samir,
 D-58/12-A Sigra,
 Varanasi (U.P.) 221001.

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide no. L-17012/18/2002-IR(B-I) Dated 10-2-2003 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow.

"Whether the Employee relationship is established Between Sri Obed Ahmad and the New India Assurance Company? If yes, whether the action of the Management of the Company in terminating Sri Obed Ahmed Khan from the service w.e.f. February 2002 is legal and justified? If not, what relief the workman is entitled for?"

The worker's case in brief is that Sri R.J. Srivastava Branch Manager of New India Assurance Company Ltd., Bhadohi (U.P.) called the worker and made known about the work and accordingly worker was engaged for typing w.e.f. 25-4-96 and during the course of his engagement he carried out the job of typing and clerk with his full devotion and integrity. Sri R.J. Srivastava was subsequently transferred and the next Branch Manager Sri Amrit Lal took over as Branch Manager of Bhadohi branch. After the transfer of Amrit Lal Sri Ram Charan took over as Branch who recovered the money from the worker by illegal means and he was removed from the last day of Feb. 2002. He has specifically mentioned in the statement of claim that he worked more than 240 days in every year prior to his termination. It is further alleged that he was not given any notice, notice pay in lieu of notice or compensation and thus the management of the Assurance Co. violated Section 25F of the I.D. Act. Thus the action of the management is illegal and arbitrary and also in violation of principle of natural justice. Worker has accordingly requested that his termination order may be set aside and the worker be reinstated with all back wages and consequential benefits.

The worker has filed following photo copies of the documents with his application A1—11.

Voucher for typing charges dated 11-9-96, 12-9-96, 13-9-96, 16-9-96, 17-9-96, 18-9-96, 19-9-96, 20-9-96, 28-9-96, 26-9-96, 25-9-96, 24-9-96, 27-9-96, 1-10-96, 3-10-96, 7-10-96, 8-10-96, 9-10-96, 10-10-96, 11-10-96, 14-10-96 to 16-10-96, 17-10-96, 18-10-96, 22-10-96 to 24-10-96, 28-10-96, to 1-11-96, 4-11-96 to 8-11-96, 12-11-96 to 15-11-96, 18-11-96 to 22-11-96, 26-11-96 to 29-11-96, 2-12-96 to 6-12-96, 9-12-96 to 13-12-96, 16-12-96 to 20-12-96, 23-12-96, 24-12-96, 26-12-96 to 27-12-96, 30-12-96, 31-12-96. (72 Days)

1-1-97 to 3-1-97, 6-1-97 to 10-1-97, 15-1-97, 16-1-97, 20-1-97 to 22-1-97, 24-1-97, 26-1-97, 28-1-97 to 31-1-97. (19 Days).

1-1-01, 2-1-01, 16-1-01 to 19-1-01, 22-1-01 to 25-1-01, 29-1-01 to 31-1-01. (13 Days).

One voucher is not dated.

2. Copy of the letter of the Branch Manager dated 13-6-01 addressed to Sri Ramji Das, Asstt. Manager, Varanasi requesting to receive policy statement deliver the policy stamp of 2599 to the worker.

The worker has also filed the photo copy of allotment register number marine certificate June 2000 to 2001 page no. 5, 6, 10, 12, 13, 14, 16, 17 and 20, 21.

The worker has also filed photo copy of voucher dated 1-1-01 to 5-1-01, 8-1-01 to 12-1-01, 16-1-01 to 19-1-01, 22-1-01 to 25-1-01, 29-1-01 to 31-1-01, (21 days—13 days) which have already shown on page 2 = 8 days. Worker has also filed his statement in respect of Sri Ashok, Suresh, Saleem, Abhishek etc. against typing charges.

Photo copy of vouchers dt. 30-5-01, 1-6-01, 12-6-01, 20-6-01, 31-1-01, 2-1-2000 to 4-1-2000, 21-1-2000, 6-6-2000, 12-11-2000, 14-12-2000, 18-12-2000, 15-12-2000, 19-12-2000, to 22-12-2000, 27-12-2000.

8-7-99, 9-7-99, 15-7-99, 27-7-99, 30-7-99, 2-8-99, 9-8-99, 30-8-99, 2-9-99, 21-10-99, 22-10-99, 26-10-99, 29-11-99, 30-11-99.

1-12-99 to 3-12-99, 6-1-98, 7-1-98, 12-1-98.

10-3-98, 13-4-98, 15-4-98, 16-4-98, 14-5-98, 15-5-98, 17-6-98, 22-6-98 to 24-6-98, 29-6-98, 30-6-98.

1-7-98.

11-8-98, 12-8-98, 31-8-98, 23-10-98, 1-9-98, 2-9-98 to 4-9-98, 8-9-98 to 24-9-98, 15-9-98, 16-9-98 to 18-9-98, 28-9-98 to 29-9-98.

23-10-98.

1-1-97 to 3-1-97, 6-1-97 to 10-1-97, 15-1-97, 16-1-97 20-1-97 to 22-1-97, 24-1-97, 27-1-97 to 31-1-97.

27-10-97 to 29-10-97.

11-12-97, 16-12-97 to 19-12-97, 22-12-97 to 24-12-97, 26-12-97, 29-12-97, 30-12-97, 31-12-97, 1-1-97, 2-1-97.

11-9-96, 13-9-96, 16-9-96, 8-9-96, 20-9-96, 24-9-96, 23-9-96, 25-9-96, 26-9-96.

1-10-96, 3-10-96, 4-10-96, 7-10-96, 8-10-96
 11-10-96, 14-10-96 to 18-10-96, 22-10-96, 23-10-96 to 25-10-96, 29-10-96 to 31-10-96.

1-11-96, 4-11-96 to 7-11-96, 8-11-96, 12-11-96, 13-11-96 to 15-11-96, 18-11-96 to 22-11-96, 26-11-96, 27-11-96 to 29-11-96.

2-12-96 to 5-12-96, 6-12-96, 9-12-96 to 12-12-96, 23-12-96, 16-12-96, 20-12-96, 23-12-96, 24-12-96, 26-12-96, 27-12-96, 30-12-96, 31-12-96.

Worker has also filed some voucher pertaining to other person. Worker has filed many voucher for a particular date.

The opposite party has disputed the claim of the worker in their written statement. It is submitted that the New India Assurance Co. Ltd., is public sector undertaking with well defined recruitment rules, deviation from which would be neither legal nor justified in the interest of public. This is also submitted that the opposite party Insurance Co. is governed under the Finance Ministry of Govt. of India and faces regular internal and statutory audit of entire functions of Company including account books every year. It is further submitted that in fact the worker Omed Ahmad Khan being private professional typist, and he had worked typing work of insurance policies at Bhadohi branch of Company purely on piece rate basis i.e. @ 3 per policy and he was getting payment on different dates and of different amount depending upon the numbers of insurance policies typed by him and occasionally some other documents typed by him depending upon the exigencies of work from time to time when his services were needed. It is further stated that Sri Omed Ahmad Khan had never been anywhere in the pay roles of the company, hence question of terminating his services with effect from Feb. 02 does not take any birth. It is also submitted by the opposite party that the worker Omed Ahmad Khan had never completed 240 days in one calendar year in view of the documents filed by him in the court. The opposite party has not admitted that the worker has worked with Bhadohi branch of the company w.e.f. 25-4-96 to Feb. 2002. It is further alleged that Sri Omed Ahmad Khan was never engaged under the alleged employment at Bhadohi branch of the company by any of the Branch Manager or any officer of the company on any fixed amount on daily wages or fixed hours of work. With regard to the photo copy of the letter filed by the worker dt. 13-6-01 in this court it has been submitted by the opposite party that Sri Omed Ahmad Khan has misused the said letter in question. Sri Khan was going to Varanasi in connection with his own work, hence being a known person at Bhadohi branch the said letter dated 13-6-01 was handed over to him on his own request without any apprehension or malafide intention of Sri Khan behind the said request. The allegation about engagement by the Branch Manager Sri R.J. Srivastava and Sri Amrit Lal. has not also been admitted by the opposite party and it is submitted that Sri Khan is also not in a position to indicate that on what date period these two branch managers were posted at Bhadohi branch. It is admitted that Sri Ram Charan joined as branch manager after Amrit Lal. It is submitted that branch manager reduced typing work on piece rate basis from the outsiders by making arrangements to get maximum typing work done/ executed from internal resources and after succeeding in the said arrangement, he stopped typing work of Sri Khan, hence, he has made concocted and thereby has hurled all sort of baseless allegations against Sri Ram Charan. Regarding allegation of exacting money from the worker the opposite party stated that Insurance Company has made full enquiry in the matter and all allegations made by

Sri Khan regarding exertion of money is baseless. It is also submitted that Sri Khan did not type out a single insurance policy in the Bhadohi branch of the company after June 2001 and further he did not perform any other job after June 2001. In the facts and circumstances of the case it has been submitted that there is no question of termination of his services in Feb. 2002 or depriving him of his work from June 2002 as there was no contract of employment exists and also there was no master and servant relationship exists on any point of time and as such the date of cause of action shown by him and as well as referred by Central Government as Feb. 2002 is completely fictitious and erroneous and has got no bearing with the facts of the case. Besides above it is denied specifically that the worker has completed 240 days in any calendar year.

Sr. DM Sri N.P. Srivastava has filed affidavit in support of written statement and has also filed the photo copy of the chart duly prepared by the concerned branch Bhadohi branch showing the details of working which was performed by Sri Omed Ahmad Khan and the amount which was paid to him on different dates through different vouchers which shows that from July 2000 onwards no payment has been made to the worker.

Worker moved application C-22 for summoning documents. Vouchers in the name of Sri Khan were admitted by the opposite party on 22-3-04. The management has also filed the original vouchers dt. 1-1-01 and 2-1-01. The management detailed reply of the application summoning the documents and after hearing of the parties and objection the documents were not summoned now the management has filed statement of account for the period 1-1-01 to 31-10-01.

Worker has examined himself and the opposite party has examined Sri S.P. Agarwal, Asstt. Manager.

Heard learned representative of the parties and perused the evidence on record.

It is admitted fact that the worker was never given any appointment letter nor was given any termination letter. It is also admitted fact that Insurance Co. is Govt. of India Undertaking and governed by the Rules and Regulations made for recruitment of the employees. In querying by the court the worker replied that he was not appointed on any prescribed pay scale when he was questioned as to how he was paid the worker replied.

“मैं जितना काम करता था उस काम के हिसाब से भुगतान होता था। मेरा प्रमुख काम टाइपिंग करना था। 3 रुपये प्रति पालिसी का टाइपिंग दिया जाता था और 1-1-2000 से प्रति पालिसी 3 रुपये के स्थान पर 4 रुपये कर दिया गया।”

Worker was again asked by the court that whether he was paid in Feb. the worker replied.

“Feb. 2002 में मुझे कोई भुगतान नहीं किया गया। 5-10-01 से 20-2-02 तक दूसरे head में भुगतान बनाकर देते थे मेरे कोई

हस्ताक्षर नहीं करते थे। अक्टूबर 2001 से फरवरी 2002 से रु. 800 प्रतिमाह भुगतान दिया जाता था। उसका मैंने कोई कागजी सबूत नहीं हासिल किया है।"

Worker again replied to the court question as under :

सितम्बर 2001 में रु. 1079 का भुगतान 4 बार में भुगतान हुआ। अगस्त 2001 में रु. 1045 का भुगतान 7 बार में भुगतान हुआ। 2001 सितम्बर में 20 दिन काम किया। 01 अगस्त में 22 दिन काम किया। जुलाई 2001 में 22 दिन काम किया वरु. 1137 का भुगतान 6 बार में किया गया। जून 2001 में 22 दिन काम किया वरु. 1107 का भुगतान 7 बार में किया गया। मई 2001 में 17 दिन काम किया वरु. 1616 का भुगतान 5 बार में किया गया। अप्रैल 2001 में 20 दिन काम किया वरु. 964 का भुगतान 6 बार में किया गया। मार्च 2001 में 20 दिन काम किया वरु. 951 का भुगतान 6 बार में किया। 21 फरवरी से 28 फरवरी तक काम किया वरु. 334 का भुगतान 5 बार में किया गया। इस प्रकार 21 फरवरी 2001 से सितम्बर 2001 की समाप्ति तक 150 दिन काम किया।

The representative of the opposite party cross-examined the worker and the worker replied that voucher page No. 38/11 and 38/12 are in the name of Ashok and Suresh. Paper no. 38/11 and 12 and the paper no. 38/13 to 38/29, 38/32, 38/34, 38/36 to 38/49 are admittedly in the name of other persons which pertain to 21-2-2001 to Oct. 2001. Worker tried to say that the money has been paid to him, which is not creditworthy. It is no doubt that the financial documents of the opposite party are subject to audit and it can not be said that the documents will be prepared in the name of some other persons and payment shall be given to worker without obtaining his signature. Worker has stated that during the period from Feb. 2001 to Sept. 2001 he has not completed 150 days.

It is also admitted by the worker that no payment is due on the opposite party.

Worker has also admitted in the cross-examination that whenever the recruitments are made Insurance Co. then vacancy are advertised and in Feb. 2002 the vacancy were advertised however no vacancy advertised in the year 1996. It is also admitted the worker that before appointing anyone test and interview conducted and in his case no such procedure was adopted.

From the above according to the worker own evidence that he is not a appointed employee of the Insurance Co. moreover it is also clear and undisputed that he has been paid according to the agreed rate of typing per policy. It is not the case worker was engaged for a whole day for performing the duties. It is also not the case of worker that he was engaged for particular hours for executing the job of typing.

The Asstt. Manager has produced on behalf of the opposite party has stated clearly that the worker has not typed policy on 240 days in any of the calendar year during which he alleges to the engaged for typing policies @ 3 or 4 per policy.

The witness of the opposite party replied in the cross-examination that the worker was given contract for typing although no written contract was made it was done oral. In totality of the evidence in this court I am of the considered opinion that the worker was not employed either as casual, daily wager or monthly wages instead he was engaged on the agreed rate of typing of the policies. It is also on the evidence that sometimes worker used to type in office sometime he carry the work outside the office.

Asstt. Manager of the opposite party has replied in the cross-examination that it was not Sri Obed Ahmad Khan alone who was doing the typing job but there are also who used to type in the same manner. He has also stated that the worker sometimes used to type in the office and sometime he used to take over typing work at home. It is quite natural that when the rate of typing is agreed within the worker may like to earn more and more and he may carry job for typing at home.

Since the worker filed duplicates of vouchers and the vouchers in the name of other persons, the representative of the opposite party was asked during arguments to let the court know as to whether in any of the calendar year the worker did work for 240 days even on contracted rate of payment. The representative of the worker honestly agreed that working of 240 days in any calendar year have not been established in the present case.

The worker has not mentioned in the statement of claim the specific date on which he was terminated at the end of Feb. 2002 and the worker has not stated any date when he was examined in the court instead he said that he has worked till Feb. 2002. There is no documentary evidence that the worker worked from Oct. 2001 to Feb. 2002. It therefore can not be said that the worker was in continuous employment till Feb. 2002 as he has tried to alleged in the statement of claim.

Following case laws are material in the present case; 2005 (7) Supreme 165 Supreme Court of India, Arijit Pasayat & Dr. AR Lakshmanan, JJ Batasia Cooperative Sugar Mills Ltd. Vs. Sowaran Singh Civil Appeal No. 7981 of 2005 and 2005 (7) Supreme 307 Supreme Court of India Surendranagar District Panchayat Vs. Dahyabhai Amarsinh in Civil appeal no. 6511 of 05 which lays down that it is onus on workman to prove that he worked for more than 240 days in a calendar year proceeding termination of his service.

On the discussion above I came to the conclusion that there was no relationship of employee and employer between the parties and the worker was not in continuous employment up to Feb. 2002. The worker was not employee of opposite party and therefore no question of termination arises. Worker is accordingly not entitled to any relief. The issue is therefore answered against the worker in favour of the management.

Lucknow

4-5-2006 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 12 मई, 2006

का. आ. 2171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जीआईसी एसेट मैनेजमेंट कंपनी लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या 74/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-17012/23/2003-आईआर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 74/2003) of the Central Government Industrial Tribunal/Labour Court, No. I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of GIC Asset Management Co. Ltd. and their workmen, which was received by the Central Government on 12-5-2006.

[No. L-17012/23/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS,
Presiding Officer

Reference No. CGIT-74 of 2003

PARTIES:

Employers in relation to the management of
GIC Asset Management Company Ltd.

AND

Their Workmen.

APPEARANCES:

For the Management: Mr. C. M. Jha,
Adv.

For the workman : Mr. S.S. Karkera,
Adv.

State : Maharashtra

Mumbai dated the 26th April, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section 1 of Section 10 of the Industrial Disputes Act 1947 (the Act for short) *vide* Government of India, Ministry of Labour, New Delhi Order No. L-17012/23/2003/IR (B-1) dated 19-12-2003. The terms of reference given in the schedule are as follows :

“Whether Shri Nasir Mohammed, who was working as Sr. Executive with the management, is a “workman” as per provisions of I.D. Act, 1947 ? If yes, 2. Whether

the action of the management the Company Ltd., Mumbai and its officers in “removal from the services” of Shri Nasir Mohd. by order dated 13-1-2000 is proper, justified and proportionate to the gravity of the alleged offences and misconduct committed by him ? If not, what relief Shri Mohammed is entitled to and from which date ?”

2. The action of removal from the service has been taken by the GIC Asset Management Company Ltd. (hereinafter referred to as Management). The action is being taken against Shri. Nasir Mohammed (hereinafter referred to as employee) since he is not admitted to be a workman by the Management. The Statement of claim has been filed by the employee who had joined in General Insurance Corporation of India as a Stenographer w.e.f. 27-5-1988. He was appointed Secretary w.e.f. 3-1-1991. He was then promoted as Junior Executive in GIC Mutual Fund and as such confirmed w.e.f. 3-6-1992. He was lastly promoted as Sr. Executive in the said GIC Mutual Fund w.e.f. 19-9-1994.

3. In para 4 of the Statement of Claim the employee has described the nature of duties such as job description of interest/dividend reconciliation and monitoring including other benefits, i.e. rights, bonus, etc. stock reconciliation (physical) preparation of notes on investments/rights/M.F. quota, etc., interaction with SHCIL for day to day routine work and following up with coordinates for transfer of shares in the name of the fund; further the duty of follow up with brokers for clearance of objection and pending deliveries. It is alleged that he was performing the job which was of manual in nature and was not of supervisory nature. He was under the control of higher Authority. i.e. Group Head and had no employee under his control. Hence he is a workman within the provisions of the Act.

4. The employee was placed under suspension by the Management w.e.f. 7-6-1999. He was issued a letter of memo dated 8-9-1999 for allegedly committing irregularities while dealing with the custodians of the fund, unauthorisedly withdrawing from the custodians of equity shares of ITC Ltd. and Sundaram Finance Ltd. He was charged for misconduct. Mr. V. Kishore Kumar was appointed as Presenting Officer and Mr. Prasad Akokkar was appointed as Enquiry Officer. The enquiry was fixed for hearing on 15-9-1999. No witnesses were called to prove the charge. It is alleged that by putting pressure by the Enquiry Officer through Chief Executive Officer, the Enquiry Officer as well as the Presenting Officer took the signature of the employee under pressure for making admission of the alleged charge. The enquiry was concluded without proving the charge. The copy of the enquiry report was received by the employee which was replied on 18-12-1999. He was under duress and was under tension with regard to the illegal and alleged charge without any rules or procedures. He further, prayed on 11-1-2000 for supply of the copy of the Rules and Regulations. This request was not considered and in utter violation of principle of natural justice the Management passed the impugned order dt. 13-1-2000 thereby removing him from services. The matter

was raised for conciliation before the concerned Assistant Labour Commissioner. The Management also launched the criminal case against the employee. Since the Conciliation failed on account of rigid attitude of the Management the present reference was made by the Government of India.

5. The Management has filed the written statement. The defence is that Mr. Nasir Mohammed is not a workman within the meaning of definition of 2(s) of the Act and hence the reference is not entertainable. It is also submitted that a criminal case No. 69 of 2000 has already been launched by Superintendent of Police, C.B.I., A.C.B., Mumbai before the Special Judge at Mumbai. The employee himself admitted of the charges before the Enquiry Officer voluntarily and had tendered his apology and remitted misappropriated amount of Rs. 8,53,820 vide his letter dt. 28-5-1999. The principle of natural justice has been fully followed. The punishment has been awarded in accordance with law according to the gravity of charge of misconduct.

6. Shri Nasir Mohammed has filed his own affidavit in lieu of his examination in chief thereby reiterating the facts averred in his statement of claim. He has been cross examined by the learned counsel for the Management. He has admitted his signatures on the admission of the charge before the Enquiry Officer. He admitted that he participated in the enquiry. He admitted that Ex-D bears his signature. In fact, the signatures are not disputed but the contention is, he put his signature under threat, pressure and abuses.

7. The Management filed the affidavit of Shri T. Rajagopalan, Company Secretary of GIC Asset Management in lieu of his examination in chief. He has been cross-examined by the learned counsel for Mr. Nasir Mohammed. This witness admitted in his cross-examination that Mr. Nasir Mohammed was being controlled and supervised by higher authorities. The immediate supervisor of Mr. Nasir Mohd. was Mr. Srinivasan, Asstt. Vice President. He also stated that it is correct to say that Mr. Nasir Mohd. was assisting Assistant Vice President Mr. Srinivasan according to work allocation. He denied to the suggestion that Mr. Nasir Mohd. was not a supervisor and merely a workman. This witness also stated that as per letter dt. 28-5-99, written by Mr. Nasir Mohd. in his own hand writing, he apologized for the event and admitted the misappropriation voluntarily. It was his own solitary act for tendering apology. He also admitted the charges before the Enquiry Officer. He denied to the suggestion that Mr. Nasir Mohd. put his signature under pressure on 15-9-1999.

8. The documents filed by the parties have been duly exhibited. I have heard the learned counsel for the parties and gone through the record including the written submissions filed by them.

9. The first point for consideration is as to whether Mr. Nasir Mohd. is a workman or not.

10. The duties performed by Mr. Nasir Mohd. are not in dispute. They have been narrated by Mr. Nasir Mohd. himself in his affidavit as given out by him in the aforesaid para No. 3.

11. The learned counsel for Mr. Nasir Mohd. cited before me (i) Supreme Court Services Law Judgments 2002 (2) SC SLJ in between Sharad Kumar vs. Govt. of NCT of Delhi and Ors. (ii) Administrative Total Judgments 1999 (3) page 282 in between Everestee vs. District Labour Officer (iii) AIR 1971 Supreme Court 752 in between Surath Chandra Chakravarty vs. The State of West Bengal and (iv) 1997 (2) Administrative Tribunal Judgements page 415 in between Dharshanlal vs. Director of State Transport, Chandigarh and others (Punjab and Haryana High Court) and submitted that he is a workman.

12. Contrary to above, the learned counsel for the Management cited (i) 1994 (3) Supreme Court Cases 510 in between S.K. Maini vs. M/s. Carona Sahu Company Ltd. and Ors. (ii) 1995 Lab IC 546 in between Ramesh vs. Commr Revenue Division Amravati, (iii) 2004 (1) All Mr 611 in between Tanuj Kumar B. Chatterji vs. Solapur Municipal Corporation (iv) AIR 1991 SC 2294 in between T.P. Srivastava vs. M/s. National Tobacco Co. of India Ltd., (v) 2005 SCC (L & S) 387 in between Sonepat Co-op. Sugar Mills vs. Ajit Singh and (vi) 2001 I LLLJ 176 in between Birla Corporation Ltd. vs. Rajeshwar Mahato and submitted that Mr. Nasir Mohd. is not a workman.

13. Having considered the legal position, in the aforesaid cases, this much is crystal clear that designation alone is not decisive factor for determining the factum of workmanship or not. The nature of duties assigned or performed by the employee are to be considered for ascertaining as to whether he is a workman or not. Even some of the duties performed by a particular employee are not the basis or criteria for ascertaining the aforesaid point. The dominant nature of the duties of the employee are the main criteria. The Honourable Supreme Court in the case of Sonepat Co-operative Sugar Mills Ltd. (*supra*) has held that the employee having a law degree appointed as Legal Assistant rendering legal opinion, drafting pleadings, representing the Company before various Courts/Authorities and discharging quasi-judicial function cannot be said to be a workman. In the case of Shri T.P. Srivasta (*supra*) the Honourable Supreme Court held that the duties involving suggesting of ways and means to improve sales of Companies product require imaginative and creative mind. Such type of employee cannot be said to be a workman.

14. In the instant case, the duties performed by the employee are being narrated by the employee himself. On account of these duties he cannot be said to be a workman within the definition of Section 2(s) of the Act. No doubt, he was not supervising the work of any subordinate and hence he cannot be said to be a supervisor but undoubtedly, his duties are to be categorized in nature of Managerial and Administrative. His designation as Sr. Executive is not material but he was assisting to the work of Sr. Vice President with respect to issue of rights, bonus, etc., Stock reconciliation, preparation of notice on Investment/rights/mutua. fund quota, interaction with SHCIL for day to day routine work and these type of duties cannot be stated to be routine duties of a Clerk. He was having the authority to follow up the actions with brokers

for clearance of objections and pending deliveries. He was monitoring the dividend reconciliation. His duties are certainly in the nature of Managerial/Administrative. Hence Mr. Nasir Mohd is not found to be a workman.

15. The next question arises as to whether Mr. Nasir Mohd. has been legally dismissed from service.

16. This point becomes redundant once Mr. Nasir Mohd. is not found to be a workman by this Tribunal. However, on merits, I may observe that the action of removal is legal and justifiable for the following reasons. The domestic enquiry has been held in accordance with law. The employee duly participated in the enquiry which was scheduled for 15-9-1999. He is not a lay man. He is a well qualified person holding the post of Senior Executive and discharging the duties of a very responsible Officer. The proceedings of the enquiry dt. 15-9-1999 (Ex-W4) are as follows :

Extracts of the inquiry proceedings against Shri Nasir Mohammed, Sr. Executive.

The inquiry proceedings commenced today, at 4.00 p.m. at the Corporate Office of GICAMC Limited.

The proceedings were attended by the following :

- (i) Shri Prasad Akolkar, Inquiry Officer
- (ii) Shri V. Kishore Kumar, Presenting Officer
- (iii) Shri Nasir Mohamrned

At the outset, the Inquiry Officer read out the charges against Shri Nasir Mohammed, Sr. Executive and the imputations thereto. The Inquiry Officer further read out the names of witnesses and also the list of documents. After the reading, Shri Nasir Mohammed was asked whether he is "admitting" or "denying" the charges against him.

1. "Committing breach of trust and arranging to withdraw unauthorisedly the shares standing in the name of GIC Mutual Fund and dealing with the same other than on behalf of the Fund."

Shri Nasir Mohammed admitted the aforementioned charge against him.

2. "Dealing in the above shares without proper consideration to GIC Mutual Fund, in whose name the shares so withdrawn were registered."

Shri Nasir Mohammed admitted the aforementioned charge against him.

3. "Not keeping office copies of records, letters and instructions to the custodians relating to the above unauthorized actions."

Shri Nasir Mohammed admitted the aforementioned charge against him.

4. "Failing in the duty to serve the Fund with utmost loyalty and honesty."

Shri Nasir Mohammed further submitted that since he is admitting the charges against him, he has made the payment of Rs. 8,53,820 (Rupees Eight Lakhs Fifty Three Thousand Eight Hundred and Twenty only).

17. The aforesaid proceedings are duly signed by Mr. Nasir Mohd. and he has put the date below his signature in his own hand writing. It cannot be imagined for a moment that Mr. Nasir Mohd. signed the proceedings dt. 15-9-1999 under any pressure, duress, threat, or abuses.

It is further clear that Mr. Nasir Mohd. in his own handwriting tendered the apology (Ex-D). It is also the admitted position that Mr. Nasir Mohd. deposited the sum of Rs. 8,53,820 being the misappropriated amount with the Management of the Company. It is difficult to accept the contention of Mr. Nasir that all this was done by him under threats, pressure, duress and abuses. There is nothing to substantiate such type of vague allegations just to escape the liability. No evidence whatsoever is available on record to accept for a moment that the admission of Mr. Nasir is not acceptable under the law. The pretext that he put his signature to the proceedings before the Enquiry Officer under pressure of tendered his apology under pressure or deposited the misappropriated amount running into lakhs under pressure is totally unacceptable.

19. Considering the entire record, the charge of misconduct is proved by reliable evidence on record. The enquiry cannot be set aside merely because the Enquiry Officer did not chose to examine the witnesses. The voluntary admission made by Mr. Nasir Mohd. before the Enquiry Officer on the first date of hearing of the enquiry on 15-9-1999 did not require the Enquiry Officer to examine the witnesses to prove the charge.

20. The learned counsel for the employee cited three cases. i.e. (i) K. Bhaskar vs. C.O. HQ Training Command, Bangalore reported in ATJ 2002 (1) 434 (ii) Kulwant Singh Vill vs. State of Punjab 1991 SSCL & S 998 and (iii) Meghraj and Others vs. State of Rajasthan AIR 1956 Rajasthan 28 and submitted that the dismissal is illegal. The submission in this respect is not acceptable. All the three rulings, cited above, are not helpful to the employee at all on the facts and circumstances of the present case. In fact, in case of K. Bhaskar, the Central Administrative Tribunal found that the employee was a poor class-IV employee and he was simply asked to sign on the dotted lines and as such this piece of evidence as confession cannot be termed as voluntary, in specific clear and unambiguous terms because the employee was signing the statement on the dotted lines. This is not the case here. The employee in the instant case is a qualified person holding the post of Senior Executive. He had tendered his apology in his own handwriting. He put his signatures before the Enquiry Officer after understanding the contents thereof. There was no question of any pressure upon him for signing the enquiry proceedings dt. 15-9-1999. The other two rulings relate to the provisions of Article 311 of the Constitution of India with respect to State of Punjab and State of Rajasthan. Both these cases are not applicable to the facts of the present case.

21. The learned counsel for the Management cited before me the following three cases. (i) AIR 1972 SC 32 in between Channa Basappa vs. State of Mysore (ii) 1995 (8)

Service Law Reported 816 in between Security to the Panchayat Raj and Ors Vs. Mohd. Ikramuddin and (iii) 1995. II LLJ 87 in between Imperial Tobacco Company Ltd. Vs. G.C. Boral.

22. In the case of Chana Basappa, the Honourable Supreme Court held that in a departmental enquiry where the delinquent employee admitted the relevant facts on which the decision could be given against him, it could not be stated that the enquiry was in breach of principle of natural justice. In the case of Mohd. Ikramuddin, the Honourable Supreme Court held that once the charge of misappropriation and misuse of Government funds is proved upon respondents own admission, the order of dismissal is to be upheld. In the case of G.C. Boral, the Honourable Supreme Court held that once the Cashier admitted to have advanced Company's money to the Manager for personal use, summary dismissal of the Cashier is justified. In the instant case the employee himself admitted the misappropriation and deposited the misappropriated amount to the tune of Rs. 8,53,820. It can be safely held that the order of removal from service is legal and justified.

23. Hence, I conclude that Shri Nasir Mohd. Senior Executive is not a workman and his removal from service is proper and justified. He is not entitled to any relief by this Tribunal.

24. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 12 मई, 2006

का. आ. 2172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सातथ ईस्टन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 114/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-06 को प्राप्त हुआ था।

[सं. एल-41012/57/1995-आईआर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 114/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workman, which was received by the Central Government on 12-5-06.

[No. L-41012/57/1995-IR(B-I)]

AJAY KUMAR, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/114/96

Presiding Officer : Shri C.M. Singh

Smt. Raj Laxmi Patel,Workman
Railway Qr. No. 54/10,
Near Railway Goods Shed,
Railway Station,
Raipur (Chhattisgarh).

Versus

Divisional Railway Manager(P),Management.
South Eastern Railway,
PO Bilaspur (Chhattisgarh).

AWARD

Passed on this 26th day of April, 2006

1. The Government of India, Ministry of Labour vide its Notification No.L-41012/57/1995-IR(B-I) dated 17-4-96 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of South Eastern Railway, Bilaspur through the Divl. Mechanical Engineer in removing Smt. Raj Laxmi Patel, Masalchi from services is justified? If not, to what relief the workman is entitled ?"

2. Briefly stated the facts of applicant Smt. Raj Laxmi Patel are as follows. After the reference order was received and case was registered on 7-5-96, papers No. 2/1 to 2/13 were received by post on 9-1-97 from the applicant. Paper No.2/1 is an application by the applicant praying for 3 months time for putting in appearance before this tribunal. Along with the above application, there are Photostat copies perhaps of some news papers bearing titles "Hawas Ke Aage Nahin Jhuki Naukri Gayi, Kahin Koyi Sunwai Nahi Rajlaxmi ki", "Nilambit Railway Mahila Karmi dwara Atmahatya ki Chetavni", "Railway Shram Vibhag se tang Rajlaxmi Pandrah August ko Atmahatya kar legi", "Naukri Gayi, Paisa bhi Nahin mila Rajlaxmi nyay ko bhatak rahi", "Begunah Railway Karmachari ki kahin sunwai nahi", "Mahila Railway Karmachari dwara Atmadah ki chetavni" & "Rajlaxmi ke mamle mein mahatwapurna spashtikaran". The aforesaid application is also accompanied with Photostat copy of letter dated 18-9-95 addressed to Shram Nyayalay Raipur (MP) Shri A.K.Sharma, Photostat copy of letter dated 16th June/4th July 1994 from Shri Raj Gopal, Assistant Registrar (PIL.CELL) Honourable Supreme Court of India addressed to applicant Smt. Raj Laxmi Patel, Photostat copy of true copy of order dated 5-10-93 passed by Central Administrative Tribunal, Jabalpur bench, Jabalpur forwarded to Smt. Rajlaxmi Patel for necessary action, Photostat copy of true copy of order passed in

O.A/110 of 1992 by the Honourable Central Administrative Tribunal, Jabalpur bench, Jabalpur, Photostat copy of application by the applicant perhaps moved in case No. 78/89 under P.W. Act before Labour Court, Raipur (MP) and Photostat copy of handwritten letter purporting to be sent by the applicant to the Railway Minister, New Delhi. It appears that through the aforesaid letters purported to be sent by the applicant to various authorities, she made request for payment of Rs.10 Lakhs as compensation to her. It appears from the record hereafter Papers No.4/1 to 4/9 were again received by post on 26-10-98 from applicant Smt. Raj Laxmi Patel. Paper No. 4/1 appears to be an application moved by the applicant before my learned predecessor in office praying therein that the stay order be issued & payment be made for satisfying hunger. This application is also accompanied with newspaper cutting of Bhaskar Samachar bearing title "Nau saal baad mila Mahila ko nyay" & Photostat copy of a news paper cutting bearing title "Rajlaxmi ko nyay milne ki Asha". The aforesaid application is also accompanied with Photostat copy of letter dated 28-8-98 purported to be written by the applicant to Shri Atal Bihari Bajpai, the then Prime Minister of India, New Delhi, a photostat copy of the letter which appears to be reply from the Prime Minister's office to Shri Patel, Photostat copy of letter to Railway Minister, New Delhi perhaps by the applicant praying therein that she may be paid Rs.50 Lakhs as compensation within 15 days.

3. It further appears from the record of this reference that on 10-8-99, applicant Smt. Raj Laxmi Patel moved an application purporting to be her statement of claim before this tribunal. It shall be worthwhile to mention here that the above application (statement of claim) does not bear signature of applicant Smt. Raj Laxmi Patel and therefore it is not legally entertainable.

4. Let it be presumed for the sake of argument only that the aforesaid letter (statement of claim) is legally maintainable, in that case, briefly stated, the case of the applicant is as follows. By the aforesaid letter (Statement of claim), the applicant has prayed for making her payment of Rs.50 Lakhs as compensation and reinstatement in service with all benefits. It comes out from the above statement of claim that applicant Smt. Raj Laxmi Patel had been employed on the post of helper under Locoforeman, S.E. Railway, Raipur since 1-2-1984. That the Railway officers from time to time treated her with physical and mental cruelty and out of illwill, she was transferred. Vide letter dated 1-10-97 No. M.D.&D/RLP/AM/ML Divisional Mechanical Engineer, SE.Railway, Bilaspur, she was illegally terminated from the services on the basis of the enquiry which was conducted against her falsely and following the wrong procedure. That she was not paid any balance amount of money from the Railway. That she several times made correspondence with the Railway officers for her reinstatement in service and payment of balance amount of money. That she also made personal contact with the

officers but nobody paid heed towards her application. The officers of the Railways, associations and employees were indulged in earning money by causing loss to the Railway property and she had raised voice for saving the said property. That she did her service truthfully which the Railway officers did not like. That the Railway officers did not follow the court's order and they have shown in the court that the payment was made to her. She claimed that she is also entitled to get pension and Rs.50 Lakhs as damages. She claimed through the statement of claim that she has been badly harassed by the Railway officers physically as well as mentally. They have been threatening her family also. In the end of the statement of claim, it appears that the applicant has prayed that the amount of money due to her should be ordered to be deposited in her accounts in the bank.

5. The management contested the reference and filed their Written statement. The claim of applicant Smt. Raj Laxmi Patel has been denied by the management. Their pleadings in brief are as follows. The applicant was removed for her misbehaviour as per the Discipline and Appeal Rules giving all facilities to defend her case as per Article 311 (2) of the Indian Constitution. The applicant has not pointed out in the petition as to what payment is due whereas after removal, all dues has been paid. That all channels of appeal, as per rules exhausted even though time to time the applicant has been submitting representations, the case was examined and replied accordingly.

6. In support of her case, Smt. Raj Laxmi Patel examined herself as a witness. The management in order to defend the case examined Shri N.V.R.J.Sharma, the then posted as Pracharya, Paryavekshak Prashikshan Kendra Dakshin Purva Railway, Khadakpur, Paschim Bengal.

7. Both the parties in support of their respective contentions, have filed Photostat copies of certain documents. It shall be worthwhile to mention here that both the parties did not care to prove the said Photostat copies of the documents in accordance with law of evidence and therefore those copies cannot be read as evidence.

8. I have heard applicant Smt. Raj Laxmi Patel in person and Shri M.N.Bannerjee, Advocate the learned counsel for management. I have very carefully gone through the entire evidence on record.

9. Applicant Shri Raj Laxmi Patel has filed Paper No. 5/1 to 5/2 which appears to be her statement of claim. But this paper does not bear signature of applicant Smt. Raj Laxmi Patel or her thumb impression. Therefore it cannot be treated a legal statement of claim filed by the applicant. In the absence of the legal statement of claim, it is not known as to what averments the applicant wanted to make in her statement of claim. In a reference case, the statement of claim filed by the workman is the main basis of the claim made by the workman i.e. it works as backbone of the

reference case. In this particular case, the backbone of this reference is missing.

10. Let it be presumed for the sake of argument only that the above referred document is a legal statement of claim filed by the applicant in that case, the applicant has claimed reinstatement in service with all benefits and recovery of Rs. 50 Lakhs as damages. The applicant averred in para-1 of the statement of claim that she had been employed on the post of helper with the management since 1-2-1984. A perusal of the Written Statement filed by the management clearly shows that the above averment made by the applicant has been admitted by the management. It means both the parties have accepted that the applicant had been serving on the post of helper with the management since 1-2-1984.

11. It has been averred in para-2 of the statement of claim by the applicant that the Railway Officers from time to time treated her with physical and mental cruelty and out of illwill, she was transferred. This averment has not been accepted by the management. I have gone through the affidavit of applicant Smt. Raj Laxmi Patel on record. In this affidavit, Smt. Raj Laxmi Patel stated on oath that Railway Officers treated her with physical and mental cruelty time to time and several times transferred her out of illwill. The above statement of Smt. Raj Laxmi Patel is a very general statement. Neither it has been averred in the statement of claim nor it has been stated in evidence by applicant Smt. Raj Laxmi Patel as to when and by whom she was treated with physical and mental cruelty. It has also not been disclosed as to how many times she was transferred from one place to another. She has also not disclosed the names of those Railway Officers who transferred her out of illwill. Besides the above, there is no legal documentary evidence in support of the above general statement of the applicant given on oath. The above oral evidence falls short in proving the fact that from time to time she was treated with physical and mental cruelty by the Railway Officers and was transferred out of illwill.

12. In para-2 of her statement of claim, applicant Smt. Raj Laxmi Patel averred that vide letter dated 1-10-97 No. MD & D/R/LP/AM/ML of Divisional Mechanical Engineer SE. Railway, Bilaspur. She was illegally removed from services on the basis of a false and wrong enquiry. This averment has been denied by the management and it has been pleaded that the applicant was removed for her misbehaviour as per the Discipline and Appeal Rules giving all facilities to defend her case as per Article 311 (2) of the Indian Constitution. I have very carefully gone through the affidavit of applicant Smt. Raj Laxmi Patel and her evidence of cross-examination thereon. She has not stated a word in her affidavit that the enquiry conducted against her was false and wrong. During cross-examination, she admitted that a Departmental Enquiry had taken place against her and she was removed from the service. She further admitted that she had received the order of removal

from the service but she did not accept it. She stated during her evidence of cross-examination that she did not appeal against the said order of removal. Against the above, Shri N.V.R.J. Sharma who was then posted as Pracharya, Paryavekshak Prashikshan Kendra stated that he was appointed Enquiry Officer and he conducted a Departmental Enquiry against applicant Smt. Raj Laxmi Patel according to rules and provided her with complete opportunity to defend herself. This witness further submitted that he had submitted the Enquiry Report to the Disciplinary Authority. This witness has been cross-examined at length by the applicant but nothing has come out in his entire evidence of cross-examination that he conducted a false and wrong enquiry. Besides the above, applicant Smt. Raj Laxmi Patel admitted in the opening lines of her cross-examination that she was suspended on 8-9-90 from the service because she had committed 'maar-peet' with 3 women while she was on duty. In the next para, she admitted that Departmental Enquiry had taken place against her and she was removed from the service. She also admitted that received the order of removal but she did not accept it. She further admitted that she did not file any appeal against the aforesaid order. It has come in the evidence of cross-examination of management's witness Shri N.V.R.J. Sharma that as Enquiry Officer on the basis of the evidence of witnesses, he had come to the conclusion that applicant Smt. Patel had misbehaved with clerks. This witness further stated that the charge of mis-behaviour with the ministerial staff of Loco Shed Raipur was proved during the enquiry. The witness further submitted that yet on another date Smt. Patel abused the ministerial staff of Loco Shed, Raipur and she quarreled with 2 women employees. From the evidence discussed above, it is clearly proved that the applicant was removed from the service on the basis of a Departmental Enquiry conducted against her for her misbehaviour with the staff but it is not at all proved that the enquiry was false and wrong.

(Smt. Raj Laxmi Patel)

13. Applicant Smt. Raj Laxmi Patel has also prayed that the management be directed to pay her Rs. 50 Lakhs as damages or compensation. It is not averred in her statement of claim as to how she has claimed the payment of Rs. 50 Lakhs as damages or compensation. She has filed her affidavit wherein she has stated that she has filed the statement of claim for payment of Rs. 50 Lakhs as damages from the management. But the said affidavit is also silent as to how she is entitled for claiming the said amount of compensation. It has not been pointed out in the statement of claim as to what payment is due after her removal from the service. There is no documentary evidence on record for proving that she is entitled to any amount of compensation from the management. In her pleadings she has not pointed out as to what payment is due from the management after removal from the service. In view of this evidence, I am of the considered opinion that she is not entitled to any relief.

14. In view of my above findings, the reference order is answered as follows :

The action of the management of South Eastern Railway, Bilaspur through the Divisional Mechanical Engineer in removing Smt. Raj Laxmi Patel, Masalchi from services is justified and consequently she is not entitled to any relief. However the parties shall bear their own cost of this reference.

15. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer.

नई दिल्ली, 12 मई, 2006

का. आ. 2173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या आई डी-143/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-41012/41/2001-आईआर(बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. ID. 143/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 12-5-2006.

[No. L-41012/41/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla : Presiding Officer

I.D. No. 143/2001

REF. No. L-41012/41/2001/IR(B-I)

Dt. 3rd September, 2001

BETWEEN:

Shri Dina Nath Tewari,
Divisional Organization Secretary,
Uttar Railway Karmchari Union,
119/74 Qr. No. 61,
Naseemabad,
Kanpur (U.P.) 208001

AND

The Divisional Railway Manager
Northern Railway,
Allahabad.

AWARD

1. The Government of India, Ministry of Labour, New Delhi referred the following dispute, vide No. L-41012/41/2001-IR(B-I) dated 3-9-2001 as amended vide dated 21st Jan., 2002 and vide No. dated 30th June, 2003 for adjudication to the Presiding Officer, CGIT-cum-Labour, Court, Lucknow :—

"Whether the action of the management of Divisional Railway Manager, Northern Railway, Allahabad not giving promotion to Sri Subrati S/o. Sri Nazeer w.e.f. 22-6-98 from the post of Shuntman Gr. I to Shunting Jamadar is Legal and Justified? If not what relief the workman is entitled?"

The case in brief of the trade union is that the workman Sri Subrati (who shall hereinafter called as worker) was promoted on the post of Shuntman Gr. I on 1-8-82. Subsequently he was promoted on the post of Shunting Jamadar on 29-7-87 and was transferred to Railway Station Churk, where he worked upto 16-8-97 and on 16-8-97 he was transferred to work under Chief Yard Master Juni, Kanpur. The worker worked only on one day and he was transferred to Chunar, where he worked continuously till 22-6-98. Station Supdt. Chunar vide his letter dt. 22-6-98 reverted the worker to post of Shuntman Gr. I and transferred to worker to work under Station Supdt. N.R. Fatehpur. Worker's grievance is that he was neither shown cause of reversion nor served with any charge sheet, nor given any punishment. It is further alleged that the worker was reverted in violation of the rules. It has therefore been prayed that the reversion order dt. 20-6-98 be set aside and to be continued on the post of Shunting Jamadar as usual with seniority. He has also requested that he be given consequential benefits.

Divisional Personal Officer has admitted that the worker has promoted on the post of Shuntman Gr. I on 1-8-82. So far as the worker's promotion on the post of Shunting Jamadar is concerned, it is submitted that the worker was promoted purely on *ad hoc* basis on the said post subject to the condition of passing the examination as post in question (Shunting Jamadar) is a selection post. Railway vide notice No. 941/E/E.T. 3/Sh. M/87 dt. 15-7-87 informed the worker about the condition that he is being promoted purely on *ad hoc* basis and in case of failure in selection as per norms he will be reverted back to the original post. Having come to know the entire condition about the *ad hoc* promotion and notice duly received in this regard worker has taken the charge on 3-10-87 as Shunting Jamadar. It is also submitted that the post of Shunting Jamadar is safety post involving public safety. While performing the duty at Churk worker was found sleeping and as a

consequence the competent authority awarded him the punishment by with-holding increment temporarily (WIT) for 2 years. Transfer to the worker to the Railway, Fatehpur for working on the post of Shuntman Gr. I is not disputed. Order of reversion has been passed by the competent authority. It is submitted further that the worker failed in supplementary examination dt. 3-8-97 & he was served on 18-08-98 with a show cause notice No. 940E/ET/Sh. Jam/Chyan/95-1 dt. 11-8-98 with the direction to sent a reply within 7 days of received of notice, but the worker did not give any response therefore the competent authority vide its notice 941 E/ET3/Sh. Jam/21 M87 dt. 14-5-98 has transferred the worker to the original post of (Shuntman Gr. I) as per law & rules. Thus worker has been sent to his original post with the pay scale to which he was entitled. It is submitted that it is not correct to say that pay scale has been reduced. However its made clear that pay protection is not envolved. In the circumstances it is submitted that reversion order is justified and the worker is not entitled to any relief.

Worker has filed the rejoinder in which he has denied that his promotion on the post of Shunting Jamadar was on *ad hoc* basis. However it is admitted that his 2 increments were stopped temporarily. It is also admitted that he was transferred as Shuntman Gr. I at Fatehpur. It is alleged that after 11 years of working on the post of Shunt Jamadar without notice is arbitrary.

Although the Trade union was sent notice to file the statement of claim complete with relevant documents, but the worker did not file the promotion order through which he was promoted to the post of Shunting Jamadar nor he has filed the reversion order which were relevant to the facts of the case.

Workman of his own has filed the on 3-5-2003 affidavit & examined himself on 10-12-03 & opposite party examined Mohamad Ali Jaidi.

Workman has filed following photo copies of documents with his affidavit.

1. Relieving order dt. 29-7-87.

2. Certificate Divisional Transport Training, Centre Allahabad for attending the course from 3-8-87 to 31-8-87.

3. —do— from 1-9-90 to 17-9-90 Application for transfer to Churk from Chunai dt. 16-9-97 on administrative ground which was alter letter dt. 25-10-97 (having no acknowledgement nor after sent through proper channel)

4. Postal receipts 3874 to 3879 addressed to Chairman Railway Board, Hon'ble President of India by name, Sukhji Singh, Railway Mandal Prachalan Manager, Allahabad, Railway Minister, GM, NR, New Delhi dt. 29-07-99

(a) Postal receipts dt. 27-9-99 addressed to DRM, NR, Allahabad Mandal Prachalan Manager, General Manager, Chairman Railway Board.

(b) Post receipts 3361 to 3665 April, 1999 addressed to DRM, Chairman Railway Board, GM & Mandal Prachalan Manager.

(c) AD 3

5. Application of the workman 13-9-98, 13-9-99, 13-10-99, 27-5-99.

6. Relieving letter dt. 16-8-97.

Opposite party has filed following photo copies of documents;

1. Show cause notice regarding reversion dt. 11-3-98 acknowledged by worker on 18-3-98.
2. Order of reversion & transferred No. 941 E/ET. 3/श. जमा/श. प./87 dated 14-5-98.

Railway was directed to file relevant Promotion rules.

On 25-11-2004 the railway filed C 35 application alongwith photo copies of documents the copies were delivered to the representative of the worker. Opposite party representative also filed affidavit of Mudit Chandra, Asstt. Personnel Officer. Worker's representative wanted to cross examine the Asstt. Personnel Officer, request was allowed & worker's representative cross-examine Sri Mudit Chandra on 17-3-05 Documents are as follows :—

1. Extracts of Indian Railway Establishments Manual Volume I.
2. Letter of Divn. Personnel Officer dt. 5th October, 2004.
3. TP 6 Pathya Kram 1-6-2000 to 18-6-2004.
4. Letter of Divisional Personnel Officer 26-5-04, 17-11-03, 1-11-2003, 9-5-2002, 13-12-2001, 17-7-97.
5. Letter of Asstt. Personnel Officer dt. 17-4-03.
6. Training Programme letter of Vice Principal Dt. 24-7-97.
7. Notice of Divisional Personnel Officer 15th July, 1987.

Heard arguments & perused evidence on record.

Issue referred to above case whether the action of the management of Divisional Railway Manager, NR, Allahabad not giving promotion to Subrati S/o. Nazeen w.e.f. 22-6-98 from the post of Shuntman Gr. I to Shunting Jamadar is legal and justified? It is noteworthy that according to the parties before the court the worker was promoted to the post of Shuntman Gr. I on 1-8-82. This is also not disputed that subsequently the workman Subrati was promoted to the post of Shunting Jamadar and subsequently reverted.

worker has submitted that he continued work on Shunting man Gr. I on 22-6-98 but he was reverted by the letter of Station Sup't. dated 22-6-98 to the post of Shuntman Gr. I. And the worker has also alleged that worker has not been given any notice of his reversion nor he has been

punished and the railways have committed error reverting the workman and the worker has not been provided opportunity to put forth his claim before the management. Worker has committed typographical mistake in writing his statement of claim and has written promotion instead of reversion. It reversion, order which has been challenged by the worker in his statement of claim. The management on the other hand has alleged that it was not a out right promotion of the worker from the post of Shuntman Gr. I to the post Shunting Jamadar, instead the worker was promoted on *ad hoc* basis on the said post subject to the condition of passing the examination as post in question (Shunting Jamadar) is a selection post. Railway *vide* notice dated 15-7-87 informed the worker about the condition that he is being promoted purely on *ad hoc* basis and in case of failure in selection as per norms he will be reverted back to the original post. It is also submitted by the railways, having come to know the entire condition about the *ad hoc* promotion & notice in this regard, worker has taken the charge on 3-10-87 as Shunting Jamadar.

The question therefore is whether the promotion of the worker from Shuntnan Gr. I to Shunting Jamadar was a regular promotion or a promotion on *ad hoc* basis with the condition that if he failed in selection process he will be reverted.

The worker has not filed his promotion order through which he claims. This is very important document and the same is withheld by the worker.

Worker Subrati has admitted in the cross-examination that at the time when he was promoted his test was not conducted. He has also admitted that he is aware that for the promotion from Suntman Gr. I to Shunting Jamadar the test is conducted. The worker has also stated that he was shown the promotion order No. JMC/CYM's clerk however, he has made any signature on the promotion order instead he has stated that he was given the relieving order and was sent to the Churk.

The Sr. Clerk of the opposite party Sri M.A. Jaidi of DRM Office, Allahabad has been examined by the opposite party and he has stated that on 15-7-87 the worker was promoted and has stated that post of Shunting Jamadar is selection post and is one of the safety category and for that purpose the written examination and interview is conducted. He has further stated that Subrati's promotion was purely on *ad hoc* basis with the condition that if he fails in the selection examination he will be reverted and the worker was made available the copy of the order and copy of the order was also sent to the station where the worker was working. During the cross-examination Sri M.A. Jaidi has also stated that the copy of the promotion order was made available to the worker and copy of the order was also given to the trade union on 15-7-87. Sri M.A. Jaidi has also stated during corss-examination that the worker was served to charge-sheets during his service as Shunting Jamadar and in one of the cases he was found sleeping on duty.

From the above it is clearly established that Shunting Jamadar post is one for which the worker has to go through selection process before selection to the post of Shunting Jamadar and the accordingly the test has to be conducted. Worker has not proved that he was selected after due test and interview.

According to the Indian Railway Mannual an employees may officiate on *ad hoc* basis for weeks without passing the trade test and trade test may comprise both oral and practical test. It is also proved that so far as interval between two trade test calculation of vacancy, number of staff to be called for trade test etc. are concerned orders issued from time to time regarding suitability test apply also to the trade test. It is also proved that railway may prescribed requisite promotion course passing of which should pre condition for further promotion to Shuntman Gr. I in cadre. It is also proved that in case of posts for which promotional course has been prescribed as a pre requisite condition to promotion, the employee may be allowed to avail of 3 chances to pass the course at the cost of administration. More chance if any allowed to the worker, should be at the cost of the worker. According to the railway mannual some time due to administrative error, staff over looked for promotion to higher grade either be on account wrong assignment of relevant seniority of the eligible staff or full facts not been placed before the competent authority at the time of ordering promotion or some other reasons.

The notice of promotion passed by DPO, NR, Allahabad No. 941-E/ET-3/SJ & STC/87 dt. 15-7-87 is on the record i.e. paper no. 36/16. By this order Subrati Shuntman Gr. I was appointed to officiate as Shunting Jamadar and posted at Churk under Station Supdt., Churk against the existing vacancy of Shunting Jamadar on *ad hoc* basis till the selection of Shunting Jamadar is hold. This is also mentioned in the said notice that the staff will be reverted if they fail in the written selection of Shunting Jamadar the copy of the said notice was endorsed to SS, Allahabad and CYM, Juhi besides others. The above promotion order is in respect of two persons one is Subrati and the other is Vijay Shanker. Vijaya Shankar belongs to Allahabad who was promoted from Allahabad for Mirzapur. The copy of the notice was delivered to Vijay Shankar. It is argued that Subrati was since posted as Yard Master, Juhi for compliance of the notice and accordingly Subrati was relieved.

This promotion order is indicates that Subrati was not selected at Shunting Jamadar at the time of his promotion and it was a stop gap arrangement with the condition that Subrati did not succeed in the less of Shunting Jamadar, he will be reverted. Asst. Personnel Officer Sri Mudit Chandra filed affidavit, para 3, 4 and 7 of which are material to the facts of the case which is reproduced below :

Para 3 : "That the contents of para 2 of affidavit as stated are denied. It is not disputed that claimant was promoted purely on *ad hoc* basis on the post of Shunting

Jamadar subject to condition of passing the exam as post of Shunting Jamadar is selection post. It is made clear that since claimant is not selected Shunting Jamadar as such Railway *vide* its No. 941/E/E/Sh. M/87 dt. 15-7-87 informed the claimant with the condition that you are being promoted purely on ad hoc basis and in case failure in selection as per norms you will be reverted back to the original post. It is made clear that having come to know the entire condition about the ad hoc promotion and notice duly read in this regard the claimant has taken the charge as Shunting Jamadar."

Para 4 : "That the contents of para 3 of affidavit as stated are emphatically denied. It is pointed out that the appointment of claimant on the post of Shunting Jamadar was purely on ad hoc basis and on certain mandatory condition to be fulfilled. It is further made clear that the claimant was failed in supplementary examination dt. 3-5-97 and as a consequence claimant was duly served on 18-3-98 with a show cause notice No. 940 E/ET/Sh. Jam./Chayan/95-1 dt. 11-3-98 coupled with the direction send a reply within 7 days from receipt of the notice but claimant did not give any response in reply to the said show cause notice. This the competent authority of railway *vide* its notice 941 E/ET 3/Sh. Jam./21M/87 dt. 14-5-98 has transferred the claimant to the original post (Shuntman-I) as per law and rules. It is also relevant to mention that orders referred in para under reply was posted by the same competent authority of railways which has passed the earlier order. It is totally incorrect and false that the claimant was not informed by the Railways while passing the order as alleged in para under reply. It is further made clear the post of Shunting Jamadar is safety category post involving public safety and while performing duty at Churk he was found sleeping and as consequence the competent authority of railways has awarded the punishment to the claimant by withholding increment temporarily for two years."

Para 7 "That the contents of para six of affidavit are emphatically denied. It is relevant to mention that the post of Shunting Jamadar is a selection post and claimant was duly informed that the promotion is purely on ad hoc basis and claimant is required to pass the examination as per mandatory provision of Railways rules. It was further informed by the railway that in case failure in selection as per Railway norms the claimant will be reverted back to the original post. As such the order dt. 22-6-98 passed by the competent authority of railway in the case of claimant from the post of Shunting Jamadar to Shuntman grade is quite legal and justified."

The said Asst. Personnel Officer has been cross examined at length by the representative of the opposite party worker and the said witness has supported the case of management. He has stated that as Subrati failed in the selection test of Shunting Jamadar he was given a show

cause notice on 11-3-98 and the copy of the notice was received by Subrati.

The copy of notice is on the record i.e. C-28. This show caused notice has been issued by DPO, NR, Allahabad its No. 940 E/ET/3/TT/R. म./चयन/95-1 dt. 11-3-98 the contents of the notice are as follows :—

सं. 940 E/E. T.3/शं.जमा चयन 95-1

कार्यालय मण्डल रेल प्रबन्धक,
उत्तर रेलवे, इलाहाबाद

दिनांक 11-3-98

श्री सुब्रती, तदर्थ शॉटिंग जमादार, चुनार
द्वारा स्टेशन अधीक्षक/चुनार

आपको इस कार्यालय के पत्र सं. 941-E/E-T. 3/शं. जमा/मास्टर दिनांक 15-7-97 के द्वारा तदर्थ आधार पर श. जमादार वेतनमान 330-480 (आर. पी. एस.) के पद पर इस शर्त के साथ पदोन्नति करके स्टेशन अधीक्षक चुक्र के अधीन पोस्ट किया गया था कि यदि शॉटिंग जमादार वेतनमान 330-480 (आर. पी. एस.) के चयन में असफल होंगे तो आपको आपके पूर्व पद पर पदानवत कर दिया जायेगा।

तदोपरान्त शॉटिंग जमादार के चयन की पूरक लिखित परीक्षा दि. 3-5-97 में आपने भाग लिया परन्तु इस कार्यालय के सम-संख्यक पत्र दि. 7-6-97 के द्वारा जारी लिखित परीक्षा के परिणाम की घोषणा से स्पष्ट हुआ कि आप असफल हुये।

अतः, क्यों न आपको आपके मूल पद शंपैन वेतनमान 950-1500, 3050-4590 (आर. पी.) के पद पर पदानवत कर दिया जाये।

इस सम्बन्ध में यदि आपको कोई आपत्ति दर्ज करानी हो तो इस पत्र की प्राप्ति के 7 दिनों के भीतर इस कार्यालय में अपने वरिष्ठ अधीक्षक के माध्यम से जमा करा दें।

ह./-

मण्डल कार्मिक अधिकारी,
उत्तर रेलवे, इलाहाबाद

It is noteworthy that the worker has admitted said document and has stated that he has received the notice on 18-3-98.

Although worker was given a notice on 18-3-98 but the worker concealed this fact and did not mentioned this fact in the statement of claim and contrary to it has written in para 9 "यह कि सम्बन्धित को पदोन्नति करने से पूर्व कोई कार्य नहीं बताया गया एवं चार्जशीट एवं दण्ड भी नहीं दिया गया।"

From above it is proved that worker has given false statement in the statement of claim.

So far as the worker's claim is that he was not given any charge-sheet or punishment. The management has stated while performing the duty at Churk the worker was found sleeping as a result the competent authority of railway has awarded punishment to the worker by withholding increments temporarily (WIT) for 2 years.

It is relevant to mention here that the worker has admitted that his increments were withheld however he has not given any reason for withholding the increments.

Sri M.A. Jaidi the witness of the management has stated in the cross-examination that the worker was charge sheeted twice and in one case he was found sleeping. There is no hesitation to hold that the worker has given false statement in the statement of claim that no charge-sheet was given to him or no punishment was given to him.

On the facts stated above I come to the conclusion that the worker's promotion was not a regular promotion but was promotion in stop gap arrangement since the worker was not selected for the post of Shunting Jamadar. In the circumstances the worker was posted on *ad hoc* basis as Shunting Jamadar with the condition that in case he did not pass the selection process he shall be reverted to the post of Shuntman Gr.-I and the worker was issued show cause notice before reversion and accordingly he was reverted.

Asst. Personnel Officer Sri Mudit Chandra has stated in the cross examination that in the year 1999 there has been change in the promotion policy and scheme of test has been done away and in its place PTC course is arranged in which the candidate has to pass.

Asst. Personnel Officer has also stated that prior to the year 1997 a examination was conducted in the year 1984, this again shows that the worker was appointed in the stop gap arrangement.

From the documents produced by the opposite party it reveals that Subrati Shuntman Gr. I participated in the TP- 6 पाठ्यक्रम (1-6-04 to 18-6-04) in which he failed. Worker himself has not stated any where in his examination in chief that he went under TP-6 course and passed its successfully. In the circumstances the worker is not entitled to the promotion.

On the discussion above I come to the conclusion that :

1. Worker filed his claim challenging his reversion order dt. 22-6-98 on the ground that he was promoted and his services were satisfactory. He was not served

with any chargesheet nor punished. He also alleged that no show cause notice was served before reversion. However, the proved facts are that the worker was promoted in the stop gap arrangement on ad hoc basis with the stipulation that if he fails in the test he shall be reverted. It is also proved that before reverting him show cause notice was served and subsequently he was reverted by the competent authority which is not illegal or improper.

2. The issue referred for the adjudication was about action of the management of railways is not giving promotion to Subrati from Shuntman Gr. I to Shunting Jamadar. Worker has failed to prove that he is entitled to the promotion as he passed PTC course successfully. In the circumstances aforesaid I come to the conclusion that the worker is not entitled to the promotion from Shuntman Gr. I to Shunting Jamadar. Award accordingly. Worker is not entitled to any relief.

2-5-2006

Lucknow

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 12 मई, 2006

का. आ. 2174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्मस, अम्बाला कैण्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1163/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-06 को प्राप्त हुआ था।

[सं. एल-14012/65/1999-आईआर(डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1163/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-06.

[No. L-14012/65/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Shri Kuldip Singh, Presiding Officer

Case No. I.D. No. 1163/2K5

Registered on 5-1-2000

Date of Decision 22-3-2006

Hari Lal Versus Military Farm

APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur, Advocate

AWARD

The Government of India vide notification No. L-14012/65/99/IR (DU) dated 16-12-1999, referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Hari Lal S/o Sh. Bishai w.e.f. 15-9-98 is legal and justified ? If not, to what relief he is entitled ?"

The workman is present through Satish Kumar and Rajesh Kumar petitioners in similar cases fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

का. आ. 2175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म्स, अम्बाला कैण्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1159/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-06 को प्राप्त हुआ था।

[सं. एल-14012/55/2000-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1159/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workmen, which was received by the Central Government on 12-5-06.

[No. L-14012/55/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
CHANDIGARH**

Shri Kuldip Singh, Presiding Officer

Case No. I.D. No. 1159/2K5

Registered on 27-11-2005

Date of Decision 23-3-2006

Sahib Singh Versus Military Farm

APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur, Advocate

AWARD

The Government of India vide notification No. L-14012/55/2000/IR (DU) dated 31-10-2000, referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of Military Farm, Ambala Cantt. in terminating the services of Sh. Sahib Singh S/o Sh. Mehar Singh w.e.f. 21-11-98 is just and legal ? If not, to what relief the workman is entitled?”

The workman is present through Satish Kumar and Rajesh Kumar, petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Estem Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

का. आ. 2176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म, अम्बाला कैण्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1162/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-06 को प्राप्त हुआ था।

[सं. एल-14012/66/1999-आईआर(डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1162/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workmen, which was received by the Central Government on 12-5-06.

[No. L-14012/66/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
CHANDIGARH**

Shri Kuldip Singh, Presiding Officer

Case No. I.D. No. 1162/2K5

Registered on 5-1-2000

Date of Decision 22-3-2006

Ram Sewak Versus Military Farm

APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur, Advocate

AWARD

The Government of India vide notification No. L-14012/66/99/IR (DU) dated 16-12-1999, referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Officer Incharge Military Farm, at Ambala Cantt. in terminating the services of Sh. Ram Sewak S/o Sh. Shri Nath w.e.f. 15-9-98 is legal and justified ? If not, to what relief the workman is entitled?”

The workman is present through Satish Kumar and Rajesh Kumar, petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Estem Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

कानून: 2177.—औदोलिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार निलंबित कार्यस्थ अध्यालय कीट के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुषंग में विरिट औदोलिक विवाद में केन्द्रीय सरकार औदोलिक अधिकारण अम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संबंध संख्या 1157/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/80/1999-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डैस्ट्रक्ट अधिकारी

New Delhi, the 12th May, 2006

S.O. 2177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1157/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workmen, which was received by the Central Government on 12-5-2006.

[No. L-14012/80/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh
Case No. LD. No. 1157/2K5

Registered on 16-2-2000

Date of Decision 22-3-2006

Shalinder Versus Military Farm

APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur
Advocate

AWARD

The Government of India vide notification No.L-42012/80/99-IR(DU) dated 27-01-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Shalinder S/o Sh. Parkash Chand w.e.f. 8/98 is legal and justified? If not, to what relief the workman is entitled?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way

of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submissions made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in these terms that the workman is not entitled to any relief. let a copy of this award be sent to the appropriate Government for necessary actions.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

कानून: 2178.—औदोलिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार निलंबित कार्यस्थ अध्यालय कीट के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुषंग में विरिट औदोलिक विवाद में केन्द्रीय सरकार औदोलिक अधिकारण अम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संबंध संख्या 1160/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/78/1999-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डैस्ट्रक्ट अधिकारी

New Delhi, the 12th May, 2006

S.O. 2178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1160/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-2006.

[No. L-14012/78/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh
Case No. LD. No. 1160/2K5

Registered on 15-2-2000

Date of Decision 22-3-2006

Basant Lal Versus Military Farm

APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur,
Advocate

AWARD

The Government: vide notification No. L-14012/78/99-IR(DU) dated 27-01-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Bansant Lal S/o Sh. Sahebdeen w.e.f. 12-11-98 is legal and justified ? If not, to what relief the workman is entitled ?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in these terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

का.आ. 2179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्मस, अम्बाला कैण्ट के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1156/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/84/1999-आईआर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government, hereby publishes the Award (Ref. No. 1156/2005) of the Central Government Industrial/Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-05-2006.

[No. L-14012/84/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.**

Presiding Officer : **Shri Kuldip Singh**

CASE NO. I.D. NO. 1156/2K5

Registered on 15-2-2000

Date of Decision 22-3-2006

Khajan Singh Versus Military Farm

APPEARANCE

For the Workman : **Dhani Ram**

For the Management : **Mr. K.K. Thakur
Advocate**

AWARD

The Government of India vide notification No. L-14012/84/99-IR(DU) dated 27-01-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Khajan Singh S/o Sh. Bhagat Singh w.e.f. 17-9-98 is legal and justified ? If not, to what relief the workman is entitled ?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

का.आ. 2180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्मस, अम्बाला कैण्ट के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1155/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/61/2000-आईआर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1155/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-2006.

[No. L-14012/61/2000-IR(DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH:**

Presiding Officer : Shri Kuldip Singh
CASE NO. I.D. 1155/2K5

Registered on 27-11-2005

Date of Decision 22-3-2006

Rajesh Kumar Versus Military Farm
APPEARANCE

For the Workman : Mr. Sandeep K. Sharma &
Mrs. Ritu Sharma,
Advocates

For the Management : Mr. K.K. Thakur,
Advocate

AWARD

The Central Government of India vide notification No. L-14012/61/2000-IR(DU) dated 30-10-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of Military Farm Ambala Cantt. In terminating the services of Sh. Rajesh Kumar S/o Sh. Om Parkash w.e.f. August, 1998 is Just and legal ? If not, to what relief the workman is entitled ?”

The workman is present alongwith counsel. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई विल्सनी, 12 मई, 2006

का.आ. 2181.—ऑप्पोगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसारण में, केन्द्रीय सरकार मिलिट्री फार्म्स, अम्बला फैट के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में गिरिष्ट ऑप्पोगिक विवाद में केन्द्रीय सरकार औप्पोगिक अधिकरण/श्रम व्यायालय नं.-II, चंडीगढ़ के पंचाट (संरभ संख्या 1161/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[स. एल-14012/82/1999-आईआर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1161/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-2006.

[No. L-14012/82/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH:**

Presiding Officer : Shri Kuldip Singh
CASE NO. I.D. 1161/2K5

Registered on 16-2-2000

Date of Decision 22-3-2006

Satish Kumar Versus Military Farm
APPEARANCE

For the Workman : Mr. Sandeep K. Sharma
Advocate

For the Management : Mr. K.K. Thakur,
Advocate

AWARD

The Government of India vide notification No. L-14012/82/1999-IR(DU) dated 27-01-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Officer Incharge Military Farm at Ambala Cantt. in terminating the services of Sh. Satish Kumar S/o Sh. Khem Raj w.e.f. 9/98 is legal and justified ? If not, to what relief the workman is entitled ?”

The workman is present alongwith counsel. Management has already submitted their counter by way

of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer.

नई दिल्ली, 12 मई, 2006

का.आ. 2182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म्स, अम्बाला कैट के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय न.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1166/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/63/1999-आईआर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1166/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-2006.

[No. L-14012/63/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH
CASE NO. I.D. 1166/2KS

Registered on 28-2-2000

Date of Decision 22-3-2006

Anil Kumar Versus Military Farm
APPEARANCE

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur
Advocate

AWARD

The Government of India vide notification No. L-14012/63/99-IR(DU) dated 16-12-1999 referred the following matter for the adjudication of this Tribunal :

"Whether the action of the Officer Incharge Military Farm at Ambala Cantt, in terminating the services of Sh. Anil Kumar S/o Sh. Parkash Chand w.e.f. 14-9-98 is legal and justified ? If not, to what relief he is entitled ?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer.

नई दिल्ली, 12 मई, 2006

का.आ. 2183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म्स, अम्बाला कैट के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय न.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1164/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/61/1999-आईआर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1164/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-5-2006.

[No. L-14012/61/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.
PRESIDING OFFICER : SHRI KULDIP SINGH
CASE NO. LD. NO. 1164/2KS

Registered on 5-1-2000

Date of Decision 22-3-2006

Ram Sumer Versus Military Farm
APPEARANCE:

For the Workman : Dhani Ram

For the Management : Mr. K.K. Thakur,
Advocate**AWARD**

The Government of India vide notification No. L-14012/61/99-IR(DU) dated 16-12-1999 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Miliatry Farm at Ambala Cantt in terminating the services of Sh. Ram Sumer S/o Sh. Mangroo w.e.f. 15-9-98 is legal and justified ? If not, to what relief he is entitled ?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006।

का.आ. 2184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पिलिट्री फार्मस, अम्बाला कैट के प्रबंधित्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1165/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एल-14012/57/1999-आई जार (ओ.यू.)]

सुरेन्द्र सिंह, डैस्ट्र अधिकारी

New Delhi, the 12th May, 2006

S.O. 2184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1165/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Military Farms, Ambala Cantt. and their workman, which was received by the Central Government on 12-05-2006.

[No. L-14012/57/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.**

Presiding Officer : Shri Kuldip Singh
CASE NO. LD. NO. 1165/2KS

Registered on 1-2-1999

Date of Decision 22-3-2006

Surinder Partap Yadav Versus Military Farm

APPEARANCES

For the Workman : Dhani Ram
For the Management : Mr. K.K. Thakur,
Advocate

AWARD

The Government of India vide notification No. L-14012/57/99-IR(DU) dated 29-10-1999 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Officer Incharge Miliatry Farm at Ambala Cantt. in terminating the services of Sh. Surinder Partap Yadav S/o Sh. Girdhari Lal w.e.f. 15-9-98 is legal and justified ? If not, to what relief the workman is entitled ?"

The workman is present, through Satish Kumar and Rajesh Kumar petitioners in similar cases, fixed for today. Management has already submitted their counter by way of affidavit. They have submitted that the Management has forwarded, to Eastern Command and Northern Command, the name of the workman for accommodating him in the job as per the seniority maintained, on the day of his retrenchment by the Management. In view of the counter filed by the Management, the workman submits that his grievance has been redressed and he does not want to prosecute the reference further. In the face of submission made by the workman there has remained no dispute between the parties and if at all, there remains anything, the workman has foregone the same, in the light of the counter filed by the Management. In the circumstances, the reference is answered in the terms that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 12 मई, 2006

का.आ. 2185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर संचार विभाग के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/अम न्यायालय, जबलपुर के पांचाट (संदर्भ संख्या सीजीआरएसी/एलजी/आर/63/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2006 को प्राप्त हुआ था।

[सं. एस-40012/226/1994-आई आर (डी य)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th May, 2006

S.O. 2185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/63/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, and their workman, which was received by the Central Government on 12-5-2006.

[No. L-40012/226/1994-IR(DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/63/96

SHRI C. M. SINGH : Presiding Officer

Shri Daud Khan,
S/o Shri Gulab Khan,
R/o Gangu Sahu, Taj Chowk,
Teli Naka,
Raipur

Versus

The Director,
Telecom Project (West MP),
1st Floor, E-Block,
G.T.B. Complex, T.T. Nagar,
Bhopal

Workman

Management

AWARD

Passed on this 28th day of April, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-40012/226/94-IR(DU) dated 26-2-96 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Coaxial Cable Project of Department of Telecommunication through Divl. Engineer, Coaxial Cable Project,

Shankernagar, Raipur in terminating the services of Shri Daud Khan is lawful and justified ? If not to what relief the concerned workman is entitled ?”

2. The date was fixed for filing statement of claim by the workman. The workman came present in person and moved application paper No. 20 whereby he submitted that he wants to take back his case. It is also mentioned in that application that the management has again employed him and at the present, he is working in the office of CGM, Raipur. Shri A.K. Shashi, Advocate the learned counsel for the management submitted that he has no objection against the above application. It clearly means that now there is no dispute left between the parties.

3. In view of the above, no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 16 मई, 2006

का.आ. 2186.—कर्मचारी राम्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एसड़ारा 01 जून, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 के उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपकान्त पंजाब के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रमांक	राजस्व ग्राम	हृष्टस	तहसील	ज़िला
	का. नाम	संख्या		
1.	गूडों	15	झपनगर	झपनगर
2.	रतनपुरा	14	झपनगर	झपनगर
3.	घड़ीली	13	झपनगर	झपनगर
4.	छबूली	26	झपनगर	झपनगर
5.	लोधी माजरा	31	झपनगर	झपनगर
6.	हुसैनपुर	42	झपनगर	झपनगर
7.	लाली माजरा	36	झपनगर	झपनगर

[सं. एस-38013/39/2006-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 16th May, 2006

S.O. 2186.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45

which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Village	Had Bast No.	Tehsil	District
1.	Nuhon	15	Roopnagar	Roopnagar
2.	Rattanpura	14	Roopnagar	Roopnagar
3.	Ghanoulli	13	Roopnagar	Roopnagar
4.	Daboorji	26	Roopnagar	Roopnagar
5.	Lodhi Majra	31	Roopnagar	Roopnagar
6.	Hussainpura	42	Roopnagar	Roopnagar
7.	Tapoal Majra	26	Roopnagar	Roopnagar

[No. S-38013/39/2006-SS-1]

K. C. JAIN, Director

मई दिल्ली, 16 मई, 2006

का.आ. 2187.—कर्मचारी राजस्व बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जून, 2006 को उस तारीख के रूप में नियत करती है, जिसका उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 के उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उत्तरांशल के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्—

क्रमांक	राजस्व ग्राम का नाम	राजस्व	राजस्व तहसील	जिला परगना
1.	सैन्दूल होप टाउन	पछवादून	विकास नगर	देहरादून
2.	छरबा	पछवादून	विकास नगर	देहरादून
3.	शंकरपुर-हकुमतपुर	पछवादून	विकास नगर	देहरादून

[सं. एस-38013/40/2006-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 16th May, 2006

S.O. 2187.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st June, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into

force] of the said Act shall come into force in the following areas in the State of Uttaranchal namely :—

Sl. No.	Name of the Village	Revenue Pargana	Revenue Tehsil	District
1.	Central Hope Town	Pachhawa	Vikas Nagar	Dehradun
2.	Chharba	Pachhawa	Vikas Nagar	Dehradun
3.	Shankarpur-Hakumatpur	Pachhawa	Vikas Nagar	Dehradun

[No. S-38013/40/2006-SS-1]

K. C. JAIN, Director

मई दिल्ली, 18 मई, 2006

का.आ. 2188.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उप-खण्ड (vi) के उपबन्धों के अनुसरण में, भारत सरकार के द्वारा अंतराल की अधिसूचना संख्या का.आ. 4739 दिनांक 8-12-2005 द्वारा इच्छन गैसों (कोयला गैस, प्राकृतिक गैस और ऐसी अन्य) के प्रसंस्करण एवं उत्पादन में सर्ग उद्योग में सेवाओं को जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविस्ति 29 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-12-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-6-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/2003-आई आर (पी एल)]

जै. पी. पति, संयुक्त सचिव

New Delhi, the 18th May, 2006

S.O. 2188.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 4739 dated 8-12-2005 the service in the industry engaged in the Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like) which is covered by item 29 of the First Schedule to the Industrial Disputes Act 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th December, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the said Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 15th June, 2006.

[No. S-11017/2/2003-IR(PL)]

J. P. PATI, Lt. Secy.

नई दिल्ली, 22 मई, 2006

का.आ. 2189.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 के द्वारा इव्वत् शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, दिनांक 31 मार्च, 2006 को भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3(ii) में प्रकाशित भारत सरकार के श्रम मंत्रालय द्वारा चिकित्सा लाभ परिषद् का गठन के बारे में दिनांक 31 मार्च, 2006 की अधिसूचना का का.आ. संख्या 471(अ) में निम्नलिखित संशोधन करती है :

उक्त अधिसूचना में धारा 10 की उप-धारा (i) के खण्ड (घ) के अंतर्गत राज्य सरकार द्वारा नियुक्त शीर्षक के अंतर्गत निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

- | | |
|--------------|---|
| क्रमांक 22-क | निदेशक, चिकित्सा एवं स्वास्थ्य सेवाएं (ई.एस.आई.योजना), झारखण्ड सरकार, रांची। |
| क्रमांक 22-ख | निदेशक, चिकित्सा एवं स्वास्थ्य सेवाएं (ई.एस.आई.योजना), उत्तरांचल सरकार, देहरादून। |
| क्रमांक 22-ग | निदेशक, चिकित्सा एवं स्वास्थ्य सेवाएं (ई.एस.आई.योजना), छत्तीसगढ़ सरकार, रायपुर। |

[सं. यू.-16012/2/2004-एस.एस-I]

एस. डी. जैवियर, अवर सचिव

New Delhi, the 22nd May, 2006

S.O. 2189.—In exercise of the powers conferred by Section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour & Employment S.O. No. 471(E), dated the 31st March, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 31st March, 2006 regarding constitution of Medical Benefit Council.

In the said notification under the heading "Appointed by the State Government under clause (d) of sub-section (1) Section 10, the following entry shall be substituted namely :—

S. No. 22(A) Director, Medical & Health Services (ESI Scheme), Govt. of Jharkhand, Ranchi.

S. No. 22(B) Director, Medical & Health Services (ESI Scheme), Govt. of Uttarakhand, Dehradun.

S. No. 22(C) Director, Medical & Health Services (ESI Scheme), Govt. of Chhattisgarh, Raipur.

[No. U-16012/2/2004-SS-I]

S. D. XAVIER, Under Secy.

शुद्धि-पत्र

* नई दिल्ली, 22 मई, 2006

का.आ. 2190.—चिकित्सा लाभ परिषद् के गठन के संबंध में "धारा 10 की उप-धारा (1) के खण्ड (घ) के अंतर्गत केन्द्र सरकार द्वारा नियुक्त" शीर्षक के तहत भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3(ii) में दिनांक 31 मार्च, 2006 को 31 मार्च, 2006 के का.आ. संख्या 471(अ) द्वारा प्रकाशित श्रम और रोजगार मंत्रालय की राजपत्र अधिसूचना के आशोधन में आंशिक आशोधन करते हुए, निम्नानकि प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

क्रमांक 28

श्री एस. मालेशम,

महासचिव-बी.एम.एस. (ए.पी.)

तिलक भवन, टी आर टी-141,

स्ट्रीट नंबर-9,

जवाहर नगर, हैदराबाद-500020।

"धारा 10 की उप-धारा (1) के खण्ड (घ) के अंतर्गत केन्द्र सरकार द्वारा नियुक्त शीर्षक में क्रमांक 28, 29, एवं 30 के बदले क्रमांक 29, 30 एवं 31 पढ़ा जाए।"

[सं. यू.-16012/2/2004-एस.एस-I]

एस. डी. जैवियर, अवर सचिव

CORRIGENDUM

New Delhi, the 22nd May, 2006

S.O. 2190.—In partial modification of notification of Ministry of Labour & Employment gazette notification published in the Gazette of India vide S.O. No. 471(E), dated the 31st March, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 31st March, 2006 regarding constitution of Medical Benefit Council under clause (f) of sub-section (1) of Section 10, the following entries shall be substituted namely :—

S. No. 28	Sh. S. Mallesham, General Secretary-B.M.S. (A.P.) Tilak Bhawan, TRT-141, St. No. 9, Jawahar Nagar, Hyderabad-500020.
-----------	---

For S. Nos. 28, 29 and 30 under the heading "Appointed by the Central Government under clause (g) of sub-section (1) of Section 10 read S. Nos. 29, 30 and 31".

[No. U-16012/2/2004-SS-I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 23 मई, 2006

का. आ. 2191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेजर पोर्ट्स के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में नेशनल इंडस्ट्रीयल ट्रिब्यूनल, कोलकाता के पंचाट (संदर्भ संख्या 1/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2006 को प्राप्त हुआ था।

[सं. एल-31011/1/2000-आई आर (एम)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd May, 2006

S.O. 2191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2001) of the National Industrial Tribunal, Kolkata as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Major Ports and their workman, which was received by the Central Government on 4-5-2006.

[No. L-31011/1/2000-IR(M)]
C. GANGADHARAN, Under Secy.

ANNEXURE

NATIONAL INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. NT-01 of 2001

PARTIES

Employers in relation to the management of major Ports

AND

Their workmen

PRESENT

Mr. Justice Hrishikesh Banerji, Presiding Officer

APPEARANCE

On behalf of : Mr. P. Roy, Labour Adviser and Industrial Relations Officer of the Kolkata Port Trust with Mr. M. K. Das, Industrial Relations Officer, Kolkata Port Trust.

On behalf of : Mr. D. K. Sarma, Additional General Secretary of All India Port and Dock Workers Federation (AIP&DWF).

Mr. S. K. Shetye, General Secretary of the All India Port and Dock Workers Federation (Workers);

Mr. P. C. Laha, Organising Secretary of the Indian National Port and Dock Workers Federation; Mr. R. C. Nundy, Vice-president of the Port, Dock and Waterfront Workers Federation of India; and

Mr. S. Chakraborty, General Secretary of the Water Transport Workers' Federation of India.

State : National

Industry : Port and Dock

Dated : 19th April, 2006

AWARD

By Order No. L-31011/1/2000-IR (Misc.) dated 25-11-2003 the Central Government in exercise of its powers under Section 7B of the Industrial Disputes Act, 1947 reconstituted this National Tribunal and under Section 10(1A) of the said Act referred the following dispute to this Tribunal for adjudication;

"Having regard to the provisions contained in clause 35 of the settlement dated 2-8-2000 between the Federations and the management in relation to major ports.

- (i) Whether deployment of workers for any task for handling of cargo on board and on shore on the basis of gangs should be changed to the need-based system depending on the nature of the job to be performed or the type of cargo to be handled and; system of notional booking of workers prevalent in some major ports should be discontinued. If so, what should be the manning scales required for various port activities ?
- (ii) Whether the manning scales for similar types of vessels/equipments should be uniform at all ports. If so, whether the norms should be fixed for all ports as per the lowest manning scale in existence.
- (iii) Whether for similar tasks, there should be uniform manning scales. If so, whether the norms should be fixed on the basis of the lowest manning level in existence in major ports."

2. It is obvious that the present reference has been made by the Ministry of Labour, Government of India in view of the contents of paragraph 35 of the wage settlement dated 02-08-2000 between the management of the major ports and the representatives of the employees before the Regional Labour Commissioner. The management of the major ports for the purpose of negotiation and settlement is represented by the Indian Ports Association and the workmen are represented by several Federations. In the present reference there are altogether five Federations.

3. Actually a port is essentially the point at which sea-borne cargo is transferred from one mode of transport to another. On sea-ward side the port is concerned with flow of ships which bring in cargo for discharge and load cargo aggregated at the port for carrying to different destinations. On the land-ward side cargo is brought by road/rail or by inland water transport to the port and is transferred into ships and vice versa. In order that the entire operation should be smooth, both aspects of the port operation must be efficient. Between land transport and sea transport lie the storage and handling facilities of a port. Seaports, specially, in developing countries, going through a process of rejuvenation and change in recent past dragged by the competition among the nations to capture the world market and by the introduction of sophisticated cargo handling techniques and innovations in shipping. The organisational set-up and the work climate in the ports are undergoing phenomenal changes. Performance of a port is a function of the interplay of number of variables and is not a matter of chance. There is usually a choice of ports for the port users and undoubtedly the minimum cost borne by the trader for using the services of a particular port would make it most frequent port to call, although physical distance from the hinterland to that port may be more. Freight economics also play an equal important role in selection of a port of call. These days economic distance has replaced physical distance and this is evident in the port sector. Therefore the shipowners and traders have a tendency to avoid congested and inefficient ports. The factors which influence the choice of a port include proximity to the natural hinterland, accessibility, port capacity and importantly the port efficiency among the competing ports. It may be said that the economic and speed are the essential factors in the movement of cargo. So, inefficient port operation and insufficient port capacity not only raise the total transportation cost, but also hinder the smooth flow of traffic through port. Port congestion due to vessel of a port towards the speed of cargo movement. Fast movement of cargo through ports is of vital importance to a shipper. A shipper will like to route his cargo through a port where unloading of ships is significant leading to port congestion. For import, a port is efficient if landed cargo is delivered to him promptly. To determine the port through which cargo shall be routed, the primary consideration of a user remains the minimum transportation cost. So, the least cost situation is based on the sum total of these costs. The economic efficiency is concerned with the relationship of input with output, minimising inputs for a specific output concerning capital for a given input. In business and industry efficiency is used in the sense of cost effectiveness—the cost per unit of production or the profit per unit of capital investment. The port operations become efficient by improving the speed of cargo handling and avoiding detention to ships in the port. The two main components of the operational efficiency of a port are the

performance of its employees and efficiency in equipment use. The port is an operational system made up for a number of sub-systems. If a port is to operate at optimum efficiency to minimise the cost relating to ocean transport, then it is essential for all the necessary sub-systems to attain a degree of efficiency. In India, at the relevant time there were 11 major ports under the regulatory authority of the Central Government, while the remaining ports, commonly known as intermediate and minor ports function under the administrative control of the respective maritime States. Before enactment of Major Port Trusts Act, 1963, the respective Port Acts governed Calcutta, Bombay and Madras Ports, while the Ports of Cochin, Visakhapatnam and Kandla were directly administered by the Central Government. The M. P. T. Act was enacted with the prime objective of vesting the administration, control and management of major ports and matters connected therewith in the Board of Trustees. Ports of Cochin Kandla and Visakhapatnam were brought under the ambit of M. P. T. Act in 1963 followed by Mormugao in 1964 and Paradip in 1967. Further, M. P. T. Act was extended to Bombay, Calcutta and Madras Ports in 1975 and Ports of Tuticorin, New Mangalore, Jawaharlal Nehru came under this Act in 1979, 1980 and 1989 respectively. It is thus clear that though the 11 Ports came into existence on different dates, presently they are governed uniformly by the Major Port Trust Act, 1963. As per M. P. T. Act the main function of the major ports is to provide infrastructure and render services to ships and users of the port in handling the cargoes that pass through the port. Though this activity of cargo handling is performed by all the 11 major ports, the ports had been employing man-power based on local tradition in existence at the time of formation of the Port Trusts and during subsequent periods. Recent management system, organisational structure and labour practices have been inherited from labour intensive cargo handling method. This had led to a sizeable workforce at the ports, which is far above compared to what they are elsewhere. Over the years numerous restrictive labour practices have developed. Job classifications are strictly demarcated in separate watertight compartments and workers refuse to get transferred from one unit to another within the same sub-region. Excessive accounting level in all spheres of activities, delay in reporting to work, early stoppage of work, deliberate slowness etc affected productivity and enhanced port costs. Port labour over the years resisted most of the schemes for improvement of productivity and removing restrictive practices. Therefore, it becomes essential that labour and management reforms must progress in tandem with modernisation and development schemes in the major ports to enable Indian Ports to compete in the international market. The containerisation, which brought about a technological revolution in the transportation world has had a tremendous impact in India in a big way. The superiority of container technology over conventional cargo handling techniques has been

universally accepted and it has been the need of the developed world. So, if India has to remain competitive and push its goods in the international market. It has to live upto the demands of the customers who expect cargo only in containerised form. Therefore, growth in container traffic can be considered as an indicator of better port performance. An efficient and economical container port requires heavy investments in special facilities, the economic viability of which has to be judged in the light of the expected cargo flow. Throughout the major ports progressively increased to 271.91 million tonnes in the year 1999-2000 from that of 7 major ports (Paradip, Tuticorin, New Mangalore and J. N. P. T. excluded) from 51.47 million tonnes in 1965-66. Iron Ore, Coal and Liquid Bulk Traffic accounted for 74% of the incremental traffic of 220 million tonnes in 1999-2000 over the traffic of 1965-66. Container and other cargo traffic went up by about 13% and 11% respectively, while the fertilisers and its raw materials recorded an increase of less than 4%. Change in the pattern of traffic passing through the Indian Ports is significant. It appears that while the percentage of fertiliser was 3.62 in 1965-66, it is only 3.72 in 1999-2000 of which the figures were provided. Similarly, so far as the coal is concerned, its percentage was 3.80 in 1965-66 and it is 13.64 in 1999-2000. Similar is the case with other kinds of cargo, but the containerisation came into effect in the eighties and in 1999-2000 its percentage was 10.18 of the total cargo. It appears that liquid bulk traffic of 126 million tonnes consists of 47% of the total traffic and the same is discharged through pipelines with the help of shipboard/on shore pumps of the exporter, excepting at Butcher Island where the Port Trust has provided booster pumps and pipelines connecting the main land. It also appears that over 11 million tonnes of iron ore were shipped in 1999-2000 through New Mangalore and Mormugao Ports with no involvement of port employees, other than marine crew. Mechanical Ore Loading Plant at New Mangalore Port was installed mainly for Kudermukh Iron Ore Company Ltd., which loaded 6 million tonnes during 1999-2000. At Mormugao around 4 million tonnes of iron ore was shipped at mid-sea by private owned transhippers which picked up the ore from barges at midstream of the river. It also appears that Tamil Nadu State Electricity Board unloaded over 8 million tonnes of coal at Madras and Tuticorin with the help of mechanised system installed, maintained and operated by them. In similar manner, the user agencies handled over 3 million tonnes of fertiliser raw materials and alumina traffic at Paradip, Cochin and Visakhapatnam Ports. It also appears that in discharging about 10 million tonnes of cooking coal at Visakhapatnam, Paradip and Haldia etc. and shipment of over 8 million tonnes of thermal coal at Paradip and Visakhapatnam, there was no involvement of shore workers of the port as on-board activities were restricted to crane operation. It also appears that iron ore in the region of 25 million tonnes, excluding New Mangalore and Mormugao and 3 million tonnes of coal at Haldia were shipped by mechanical loading

plants. It also appears that about a million tonnes of fertiliser were off-loaded at J. N. P. T. and Kandla by mechanised handling system. It appears that the private container terminal operators at J. N. P. T. and Tuticorin handled nearly 8 lakh TEUs by their own workmen. Again, Chennai, J. N. P. T., Cochin and one berth at Mumbai have specialised container handling cranes for transfer between ship and shore. Most of the container traffic at Mumbai and those at other ports are discharged by the ship board crane. Further, on shore also majority of containers are moved by the contractors of the shipping companies with the help of their own equipment and use of private cranes. No workman or port or shore worker is required for loading/unloading or stuffing/destuffing in containers within the port premises; deployment of port and DLB workman is in practice. In handling about 150 million tonnes of traffic there was practically no involvement of port and Dock Labour Board workers except for marine crew engaged in tugs, mooring/unmooring activities, maintenance of fairway etc. and minimal clerical work for accountal billing, establishment matters etc. In addition, 25 million tonnes of iron ore were handled at Paradip, Visakhapatnam, Mormugao and Chennai; 3 million tonnes of coal and 1 million tonnes of fertiliser were handled at Haldia, JNPT and Kandla by mechanised cargo handling plant.

4. In the statement of claims filed on behalf of the management it has been stated that the activities in port are broadly classified as operational and supportive. The operational activity includes functions related to cargo handling and vessel movement and supportive services include maintenance of vessel, equipment, plants etc. and power supplies as also maintenance of civil engineering facilities and finance, general administration, personnel and industrial relations, medical, research and planning and stores. It is further stated that the departments like Marine, Mechanical and civil engineering consist of both technical and ministerial staff in Class-II cadre. It is also stated that technical staff holds certificate of competency or diploma, while the ministerial staff have similar qualification as in the case of clerical staff in all other establishments with a very few exceptions. It is further stated that Class-IV cadre comprises unskilled and semi-skilled categories and there are 5 scales of pay in each of Class-III and Class-IV cadre. It is also stated that the strength of officers and employees in the major ports as on 31-03-2000 stood at 92391, out of which the strength of officers was 4572 and that of the workmen was 87890. It is also further stated that the cargo handling operation has two distinct divisions, i.e. on board and on shore. On board activity is the responsibility vested in the ship owner and carried out through Stevedores, excepting at JNPT and Haldia. At the ports of Calcutta, Visakhapatnam, Chennai and Kandla workmen registered with the respective Dock Labour Boards are requisitioned by the Stevedores to deal with cargo other than those handled by mechanised loading/unloading equipment or

pipeline. It is stated that in order to unify on board/shore workforce with interchangeability amongst them for their optimum utilisation, the Dock Workers (Regulation of Employment) Act, 1997 was enacted. It is stated that at the ports of Mumbai, Cochin and Mormugao workers registered with DLB have been taken over by the respective ports. It is also stated that only at Cochin due to interchangeability between on board and on shore workers they work in unified manner, either on board or on shore and at other 2 ports, erstwhile DLB workers, although part of the Port Trust, are maintained under a separate division. It is also stated that at Haldia on board workers are deployed by the Port, while the clearing and forwarding agents of the importers and exporters make work provision for on shore activities. It is also stated that at the Ports of Tuticorin, New Mangalore and Paradip a pool of labour is maintained under the supervision of the respective ports to provide workers for both on shore and on board work. It is stated that abolition of DLBs at 4 remaining Ports is in different stage of implementation and the strength of employees in various Dock Labour Boards as on 31-3-2000 stood at 8034. It is stated that the designation used, qualifications prescribed etc. for the various posts were based on local tradition and differ from Port to Port. Similarly, shift hours and manning scale for doing similar type and nature of work also lacked uniformity, though the pay scales are identical in all Ports. In this background it is stated that until the opening of economy by the Government in 1991, there were hardly any private ports. However, liberalisation policy of the Government had led to opening up of Ports for private sector participation, both in the forms of providing services in the existing ports or setting up of privately managed Ports. This has created competition among the Government owned Ports and private Ports, between major and state ports, between major ports themselves and intra port in the major ports, where private operators are functioning side by side. It is stated that the monopolistic status hitherto enjoyed by the major ports is gradually disappearing and the need for the Ports to be more efficient and cost-effective in rendering the services to the users become of paramount importance. It is stated that during the past five decades, the international maritime sector has undergone major technological developments replacing age-old labour intensive system. The unit workload of each labour has also come down drastically. Therefore, it is stated that it is essential to examine this aspect which has a direct bearing on the workforce deployed for handling cargo. It is stated that the cargo that pass through the ports can be broadly classified into cargo—dry and liquid, break bulk and containers. It is stated that the break bulk cargo are the loose cargo, which come in different packages, such as, crates, drums, cartons, bags, bundles, rolls etc. Dry bulk category includes iron ore, coal, fertiliser and raw materials, food grains, alumina etc. in bulk form. Dry bulk cargo, such as, fertiliser, wheat, sugar, ores and minerals etc. come mostly in bulk form, but

on occasions they are also transported in bagged condition. It is stated that certain items like, coal, fertiliser, salt etc. in bulk form are handled adopting conventional method as well, using slings and cranes as in the case of break bulk cargo. It is stated that at some of the ports mechanised bulk cargo handling plants have been installed for loading of coal, iron ore and unloading of coal, fertiliser and its raw materials, food grains etc. It is stated that most of the major ports in India offer a combination of some dedicated bulk cargo terminals, a few specialised container terminals and a majority of conventional general cargo berths. It is stated that through the method adopted and equipment used for handling are more or less same at all the major ports, when it comes to the question of deployment of manpower, the categories and number of men deployed under the categories differ very widely. So, the necessity has arisen now to adopt an uniform system of deployment of manpower at all the major ports. It is stated that incidentally loading/unloading of liquid bulk cargo does not necessitate deployment of manpower at ship-shore interface. It is stated that the technological developments have also led to many changes in cargo transportation system and thereby in the cargo handling methods. It is stated that the break bulk cargo earlier handled in loose form are now stuffed in big boxes called containers and transported from the points of origin to destination, apart from unitisation for example, pre-slung bags, palletisation etc. changing over from manual to mechanised handling. Therefore, the handling of cargo in break bulk condition has steeply dropped at most of the ports and instead, the ports are handling more and more containers or unitised cargo. It is stated that for handling containers capital intensive facilities like heavy duty equipment and civil structures have been provided at the major container handling ports. It is stated that further development of facilities is not taking off owing to shortage of funds and this led to intrusion of foreign agencies like Port of Singapore Authority, P & O Australia etc. in the field of container handling. It is further stated that bulk cargo handling equipment, grab cranes, conveyor systems, wagon tipplers, stackers, reclaimers, ship loaders/unloaders, bagging and stitching machines etc. have been installed at number of ports in addition to procurement of forklift trucks, tractors trailers, mobile cranes, dumper trucks, front end loaders etc. With the changes in the handling method due to advancement of the technology as described above, commensurate changes also need to be effected in the quality and strength of manpower deployment. It is stated that the computerisation brought in sea-change in the earlier concept of work performed by the ministerial staff relating to documentation, billing, accountal, book keeping, salary billing, leave accounts, personal profile, statistics, management information, stores and inventory control etc. This innovative office procedure also calls for a fresh look into the requirement of manpower. It is further stated that the categories of manpower deployed and the manning scale for handling different types of cargo were

evolved historically without any scientific study. Though the cargo packaging, cargo handling methods and cargo handling equipments have undergone tremendous change, unfortunately very little change has taken place in the deployment pattern of man-power at the Indian ports. Furthermore, over the years various restrictive practices have grown in the ports leading to increased deployment of workmen. It is stated that at present in handling cargo inside the port from ship to shore and vice-versa, there are number of agencies involved. Cargo on board the ship is handled by the Dock Labour Board workers at the port where it exists and at other ports it is handled by workers from a labour pool under the management of the port. It is stated that the workers belonging to the port carry out cargo handling work on shore and at certain ports private labourers do this as well. So, there is absolute need now to rationalise the present compartmentalised method of handling the cargo introducing unified cargo handling system and adopting a uniform practice and manning scales at all ports to ensure optimum utilisation of workforce and a cost effective service. It is stated that it is essential that the port is able to improve the handling efficiency, productivity and render cost effective service in the competitive environment that is emerging. It is stated that the Ports, which carry large workforce enrolled in yester years to cater to traditional form of cargo handling are not in a position to face such a competition. The Ports of Calcutta, Mumbai and Chennai, which are centurion Ports have at their rolls 16574, 31173 and 10943 employees respectively as on 1-4-2000 consisting of 63.5% of the workforce in all the 11 major ports, but in terms of cargo handled it is only 36.3% of the total cargo throughput of the 11 major ports. It is stated that in a span of 6 years the operative ratio of these 3 Ports have gone up drastically. It has been clarified by the statistics that whereas the operational ratio at Calcutta in 1992-93 was 66.03, it was 75 in 1999-2000. So far as Mumbai is concerned, it was 57.58 in 1992-93 and it was 79.37 in 1999-2000 and at Chennai it was 49.42 in 1992-93 and came upto 78.83 in 1999-2000. The operating ratio has been described as operating expenditure multiplied by hundred and divided by operating income. It is, therefore, clear from the figures given that the expenditure is increasing day by day in the three centurion ports. It is also further stated that the financial health of these ports is reflected by the figures shows that so far as the net surplus or deficit is concerned, Calcutta had the deficit of 28.3 crores in 1999-2000 whereas the Mumbai had only Rs. 22.83 lakhs of surplus and Chennai had Rs. 85.31 lakhs of net surplus. Therefore, it has been stated that in view of the above scenario, it is imperative that adequate measure should be taken to safeguard the interest of not only these Ports, but all the 11 major Ports so that the operations are efficient, cost effective and above all the ports may be able to survive in the present day competitive environment. It is stated that the manning scales have to

be evolved for the different types of cargo handled based on the nature of tasks performed.

5. It is further stated that considering the situation prevailing in the ports, the major ports adopted pay scales and allowances with effect from 1-1-1959 as recommended by the Second Pay Commission appointed by the Government of India and a further revision was adopted in 1959 by a Wage Board and in 1974 through a Wage Committee. It is stated that the next three revisions were through bilateral discussions between the management and workers' Federation and revision of wages of Port and Dock Workers of all major ports effective from 1-1-1993 and 1-1-1997 were settled through bipartite wage negotiation committee comprising the representatives of management and workers federations. However, the latest settlement was reached by WBNC before the Regional Labour Commissioner on 2nd of August, 2000 which provides revision of wages of all Class-III and IV employees on uniform basis. It is stated that rationalisation of pay scales was also agreed upon in the settlement and 29 pay scales were brought down to 10 by grouping of scales and adopting highest scale in each group, thereby extending additional benefits. It is further stated that though in earlier settlement also there was an agreement to rationalise man-power deployment and their utilisation in consultation with the labour unions, the same could not materialise. The claims have been summarised like this;

1. Unification and rationalisation of cargo handling workers and fixation of manning scale based on actual work requirement uniformity for all major ports, abolishing existing gang concept and cargo categorisation.
2. Manning scales for various types of equipment and mechanical handling plants and fixation of number of relieving operators in a shift for various cargo handling equipment.
3. Manning scales for operation of various floating craft, mooring and other marine activities.
4. Total discontinuance of notional booking of workmen and other restrictive practices.
5. Manning scales for other similar activities.

The management has given the details of the background of the necessity for reforms and rationalisation regarding each of the claims separately. So far as the claim No. 1 is concerned, it is stated that broadly the cargo handled in ports are classified as general cargo and bulk cargo. It is also stated that general cargo may be in break bulk form, unitised/palletised or containerised and the bulk cargo though can be segmented as liquid bulk and dry bulk, only for dry bulk manning scale is adopted as liquid bulk is handled mostly through pipelines. It is also further stated that the cargo categorisation in the various ports differ historically and the number of categories varies from

2 to 31 in the ports. It is stated that in Chennai there are hardly two categories of cargo whereas in Goa there are 31 categories. It is stated that the category of cargo on board and on shore also vary widely in any particular port and this variation of cargo category in the various ports has led to non-uniformity in the manning scale. So, there is an urgent need to reclassify the cargo uniformly for manning scale so that uniform approach for determining the manning scale is adopted. It is stated that considering the type of packaging of cargo and handling method used and the classification already in vogue at the Ports, the break bulk and dry bulk cargo, both for import and export, should be further categorised for the purpose of manning scale, unless specifically mentioned otherwise. It is stated that for each of cargo category the cargo handling workers are engaged on board, i.e., inside the hatch of ship and on shore, i.e., at the quay and back up area of the berth. Further, it is stated that so far as the break bulk general cargo is concerned, it is handled in loose form such as, cartons, drums, packages, cargo in small bags etc. For handling such cargo the category of staff varies from 18 at Calcutta to 2 at Mormugao and the manning also varies from 23 to 29 at Calcutta to 11 at New Mangalore and Mumbai. Similarly, so far as manning on shore is concerned, the category of workers varies from 6 at NMPT to 1 at CPT and the strength of workmen per hook also varies from 16 at KPT to 8 at Calcutta. It is further stated that, however, at Haldia 2 Mazdoors are booked only to hook or unhook the slings and at Cochin a composite gang of 16 is deployed for both on board and on shore operations. So far as break bulk or other cargo in unitised or palletised form is concerned, it is stated that various types of general cargo, bagged cargo like fertiliser, cement, foodgrain, smaller size steel and metal consignments like ingots, tinplates etc. are received/shipped in unitised or palletised form. It is stated that certain groups of dry bulk commodities like cement, magnetite ore, limestone etc. may come in pre-slung condition, i.e., a number of bags tied together with slings and such consignments require similar efforts to handle as in the case of operation in respect of unitised cargo. It is stated that for this kind of operation the existing pattern of handling this commodity group shows wide variation in manning from 29 at Calcutta to 4 at Vizag and the categories of employees also remain the same as in the break bulk general cargo. It is stated that in Mormugao additional 4 Winch Operators are booked in gang for handling palletised cement bags on board. So far as on shore operation of such cargo is concerned, the number of workers varies from 2 at Mormugao to 16 at Kandla and the category of workers is only 3 to 4 in all ports. So far as bagged cargo direct is concerned, it is stated that any bag of higher weight does not come under the purview of manual handling and handling in such case is aided by mobile equipment. Bagged cargo received other than in palletised or pre-slung form is manually handled. The bags are usually of gunny or polypropylene material. So far as on board operation is concerned, it is

stated that the manning pattern in this cargo category varies from 23 to 29 at Calcutta which is the same as general cargo to 10 at Mormugao and Tuticorin. It is stated that when higher capacity of bags handled, i.e., weighing between 90—100 Kgs. Vizag. Port books 12 Mazdoors and for wheat bags from chute wagons, 15 Mazdoors are being booked. It is stated that so far as Mormugao is concerned, additional 4 Mazdoors are booked for bags weighing more than 50 Kgs. and on shore man-power deployment varies from 17 at New Mangalore to 2 at Mormugao for direct delivery. So far as bagged cargo stacking is concerned, it is stated that the man-power deployment per hook for stacking of bagged cargo is same as direct delivery because on board operation does not differ whether the cargo is stacked or direct delivered, but on shore for stacking purpose including unslinging the strength varies from 17 at New Mangalore to 9 at Tuticorin. It is further stated that at Haldia Dock Complex port workers, however, do not do any shore work, whereas in Mormugao additional 2 workers are booked for handling Jumbo bags with forklift trucks. Regarding iron and steel it is stated that the consignments come in different forms and they are mainly in the form of long channels, pressed coils, long plates, small compressed plates, loose machinery etc. For this purpose on board deployment varies from 23 to 29 at Calcutta to 9 at Mormugao for direct loading and in Mormugao additional 4 Mazdoors are booked for loading billets. So far as on shore deployment is concerned, the strength varies from 3 at Calcutta to 16 at Kandla. Regarding iron and steel stacking, it is stated that the deployment varies from 23 to 29 at Calcutta to 5 at Haldia, but for on shore deployment the strength varies from 5 at Visakhapatnam to 16 at Kandla. It is stated that at Visakhapatnam additional 2 Mazdoors are booked for steel plates. It is stated in this connection that at Tuticorin, Cochin, JNPT and New Mangalore such cargo do not arrive. So far as timber log (direct) is concerned, it is stated that logs are also handled in the form of considerable long pieces and weight of logs vary from 3 tonnes to 20 tonnes. For this purpose manning strength per hook varies from 23 to 29 at Calcutta which is same as general cargo to 8 at Tuticorin. So far as on shore deployment is concerned, it varies from 3 workers at Calcutta to 16 at Kandla. Regarding timber log stacking, it is stated that the deployment varies from 15 at Visakhapatnam to 8 at Tuticorin, so far as on board operation is concerned, but regarding on shore deployment, the strength varies from 5 at Mormugao and Tuticorin to 16 at Kandla. About dry bulk (manual handling), it is stated that it is grouped as manual handling cargo and mechanical handling cargo and as far as existing manning scales are concerned, this cargo category is further classified into some sub-groups such as, fertiliser, fertiliser raw materials, chemicals, foodgrains, oil extracts and pulses as also coal and different varieties of coke/ore, minerals, sand and salt etc. It is stated that so far as the group under fertiliser and chemical etc. are concerned, the strength of deployment of board varies from 23 to 29 at

Calcutta to 9 at Tuticorin. It is also stated that so far as on shore deployment is concerned, it varies from 2 at Paradip, Calcutta, Mormugao and Tuticorin to 7 at Visakhapatnam and New Mangalore. So far as the category of coal and different varieties of coke is concerned, the deployment on board varies from 14 at Mumbai to 16 at Mormugao, while at Cochin a composite gang of 5 operates. It is stated that on shore deployment varies from 10 at Mormugao to nil at Mumbai. So far as the category of ore, minerals, sand and salt is concerned, it is stated that the deployment on board varies from 13 at Kandla to 4 at Chennai and on shore deployment varies from 7 at Visakhapatnam to 10 at Mormugao. Regarding dry bulk including scrap handled mechanically, it is stated that in mechanised handling of scrap, hazardous chemical concentrate and all types of fertiliser and its raw materials, the entire operation is carried out by the mechanical devices like electrically operated grab, magnetic devices or any other mechanised handling system and it excludes continuous bulk handling system where technical personnel operate the plants at shore. Regarding such cargo, it is stated that on board deployment varies from 15 at New Mangalore to 4 at Chennai and on shore deployment varies from nil at Paradip and Mumbai to at Tuticorin and 16 at Chennai.

Another form of cargo is the container cargo. It is stated in this connection that over the years following the international trend and compulsions, there has been a marked trend for change towards containerisation and this drastic shift from the break bulk mode of transportation is to ensure speedier handling and movement, cargo safety, economy etc. It is stated that the present trend is deployment of mechanised ship-shore transfer cranes and other equipment to handle containers to and from the ships. It is stated that at some ports not having specialised cranes, containers are interchanged between ship to shore with shipboard cranes using spreader of semi-automatic spreaders, where requirement of manual fixing or unfixing of spreader continues. It is stated that apart from ship-shore exchange as explained, the land level transportation of container is carried out by heavy duty tractor trailer. It is stated that unloading from or loading onto the trailer is done by the shore-based heavy duty cranes like RTG, Reach Stacker and RMG cranes, Top Lift Trucks etc. It is stated that the existing manning scales for container handling through manual fixing and unfixing of spreader also vary. It is stated that so far as on board deployment for this purpose varies from 27 at Calcutta to 9 at Haldia and the categories of workmen also vary from 15 at Calcutta to 2 at Goa. So far as on shore operation is concerned, the strength varies from 4 at Calcutta, Haldia, Vizag, and New Mangalore to 11 at Mumbai. It is stated that at Calcutta and Kandla the entire shore operation is carried out by the shipping lines even though full strength of shore workers are booked.

Another form of container handling is by Container Gantry Cranes and cranes on ship-board. It is stated that

specialised very expensive cranes with heavy duty under spreader equipment installed for fast handling of containers, lift the containers from the vessel and places on the trailers and vice versa. It is stated in this regard that so far as the deployment on board is concerned, no worker is booked excepting at Haldia, Mormugao and Mumbai where the strength varies from 11 at Vizag to 5 at Mumbai. Regarding on shore booking, it is stated that the man-power, excepting at Haldia, Goa and Chennai and Mumbai, there is no booking and between these 4 Ports the strength of deployment varies from 4 at Goa to 5 at Chennai.

One field of operation regarding the cargo is the container stuffing and destuffing. In this connection, it is stated that at Ports having Dock Labour Board, it is compulsory to deploy the full complement of on board workers for stuffing and destuffing operation on the crane. It is stated that same practice also continues at Mumbai Port Trust where the Dock Labour Board is merged with the Port Trust and in addition, Tindal and Tally Clerks are posted. It is stated that the strength of workmen is not reduced even when forklift trucks are used for stuffing and destuffing and no manual work is involved. So, by all standard excess manning for this operation is very high. It is stated in this connection that the booking of the workmen on board varies from 7 at Vizag to 21 at CPT. It is further stated that there is no stuffing/destuffing within the port premises at JNPT and New Mangalore Port Trust, whereas at Kandla there is no involvement of Dock Labour Board employees. The strength of workmen booked on shore in this case varies from 15 at Paradip to 5 at Chennai.

Another kind of such cargo is Ro-Ro/Car Carriers. It is stated that in Ro-Ro/Car Carriers, ramp attached to the vessel is lowered on to the quay and the cars, packages or containers etc. are driven in and out. It is stated that no worker is required for this purpose other than drivers concerned, which is provided by the shipping lines. It is stated that at Chennai, Calcutta and Mormugao about 11 to 9 workmen are deployed from Dock Labour Board when such vessels arrive at the Ports, but no worker is booked on shore at Calcutta and Mormugao, but 4 workers are deployed at Chennai.

In this connection, it is further stated that the present day needs for changes have already been established in the circumstance and these are :

- (1) Rationalisation of man-power deployed so that there is no overlap or duplication in work and it is deployed on the basis of actual need.
- (2) Unification of cargo handling workers both on board and shore with interchangeability.
- (3) Dispensing with the present system of categorisation of workmen and bringing on uniformity and interchangeability according to the actual necessity.

- (4) Introduction of uniformity in manning scale in handling some type of cargo at the major Ports.
- (5) Developing multi-skilled workforce for optimum utilisation.
- (6) Retraining and re-deploying the surplus manpower, if any, to achieve the objects.

It is also further stated in this regard that to achieve the aforesaid objectives some actions are required. The system presently continuing at all the major ports is deployment of cargo handling workers in the form of a gang. It is stated that the shore workers as well as dock workers have been grouped into various gangs with variable strength depending upon the nature of cargo work and the composition of strength of gang also varies from port to port. For example, it is stated that at Chennai Port a gang consists of 1 Tally Clerk, 1 Winch Driver, 1 Tindal, 1 Signalman and 8 Mazdoors total being 12 to work on board for general cargo. It is further stated that to handle the same cargo on shore another gang consisting of 14 persons such as, 12 Mazdoors, 1 Tally Clerk, and 1 Mistry is deployed. It is further stated that these gangs having fixed number of man-power are booked irrespective of the work-load and it has been observed that 40 to 60% of that gang whether on board or on shore work at any given point of time. It is stated that normally the strength of workers in a gang varied with the type of gang or cargo. In this connection, it is stated that at Kandla the strength of workmen in the gang is fixed, i.e., 13 on board and 16 on shore irrespective of the nature of cargo and method of handling. It is further stated that there is an immediate need for abolition of the present grouping of the shore workers as well as on board workers based on gang. It is stated that the activities presently performed by these gangs being similar in nature, their physical effort should be the prime consideration and having same type of workforce to work on shore and on board will result in greater flexibility and effect optimum utilisation of manpower. It is stated that under the need-based manning scale the gang concept requires to be done away with and a pool of workmen under each category essential for cargo handling should be maintained and the requisite number of man-power from each category should be deployed on the basis of the nature of cargo operation and actual requirement. It is further stated that as mentioned earlier, following abolition of the remaining Dock Labour Boards, both on board and on shore workmen at those ports will be in a common pool and interchangeable to achieve the objective stated in the amended Dock Workers Regulation of Employment (Inapplicability to Major Ports) Act, 1997 as in the case of Cochin Port. It is stated that it is essential to study the operational cycle of cargo handling activity and allocation of workload to formulate the uniform manning scale. Explaining the operational cycle, it is stated that for handling of dry bulk cargo through mechanised

handling plants with conveyor belt system and post loading trimming of such commodity, question of deployment of any cargo handling worker does not arise for obvious reasons. It is stated that while formulating the structure to indicate the number of workers required for deployment for conventional handling of cargo, activities involved relating to the broad categories of commodities for import cycle have been visualised and according to the management on board operation includes formation of sling load on board the vessel, transfer of slings from ship's hatch to shore by ship's crane/derrick or shore based crane and placing of the sling load on the quay. It is further stated that so far as on shore operation is concerned, it includes unslinging of loads on shore, direct delivery from the hook point, transportation of the commodity to stacking yard/shed and stacking/unstacking at/from the point of rest.

Regarding allocation of work-load, it is stated that basic need of deploying workers will, therefore, centre around those operations, depending on whether being carried out totally manually, or a combination of manual task aided by mechanical equipment support system or totally by mechanical or automatic devices. Regarding on board operation, it is stated that a category called Mazdoor should be deployed for formation/breaking of slings, strength of which will depend on the nature of activity/cargo. It is also stated that Tindal will oversee the entire process of on board work of Mazdoors. It is stated that those personnel with the designation of Maistry, Morpia, Sardar and Mukadam should be re-designated as Tindal. It is also stated that the category responsible for operating the crane/winch should be designated as Crane/Winch Operator and the category called Signalman should be responsible for monitoring of crane/derrick movement between shore and ship. Regarding on shore operation, it is stated that it has been envisaged that the category called Mazdoor will handle the cargo, Tally Clerk will be responsible for accountal of cargo and the category called Tindal will be responsible to oversee the shore operation of Mazdoors.

It is stated that for mode of operation explained above, man-power is required to prepare the sling in the ship hatch to enable it to be lifted by the crane for off loading. It is stated that one Crane/Winch Operator is required to place the cargo onto the trucks, if it is a direct delivery or on the ground/trailer for removal to transit shed or storage area. Further, it is stated that 1 Signalman is required to give signal to the Crane Driver for safe operation of the crane in transforming the load from the ship's hatch to shore or vice versa. It is stated that export cycle follows reverse operation and needs similar manning. It is further stated that whenever shore-based cranes are used for discharge or unloading of cargo, similar manning in line with ship-board crane should follow for the shore-based crane since the nature of work and need thereof are exactly

the same. It is stated that no Signalman/Winch Operator should be deployed for this purpose. It is also further stated that the work on board should be carried out either by Dock Labour Board employees or employees from the pool maintained for this purpose under the control of the Tindal irrespective of number of hooks. Similarly on shore Port employees or those from the labour pool maintained for this purpose should be deployed controlled by a person designated as Tindal. It is stated that normally 3 or at best 4 hooks points are engaged at a time per ship and the average varying between 2 and 3. It is further stated that so far as the need for deployment of Mazdoors is concerned, the number will vary from commodity to commodity, because efforts required to handle break bulk cargo, either on board or on shore distinctly differ from handling of say, bag cargo, heavy items like bundled steel, steel coil, bulk cargo of different variety, containers, unitised cargo etc. and for other activities of work in the entire cycle of operation the manning scale of workmen, viz. Crane Operator, Signalman, Tindal and Tally Clerk should be kept the same for all groups of cargo as efforts being absolutely the same with few exceptions.

6. Based on this analysis of operational cycle and allocation of workload for handling cargo per vessel, the uniform manning has been suggested. It is suggested that for on board operation, apart from the number of Mazdoors depending on the cargo type and mode of handling, 1 Signalman and 1 Tindal is required. Similarly, for on shore operation, apart from the number of Mazdoors, depending on the cargo type and mode of handling, 1 Tindal, 1 Tally Clerk and 1 Crane Driver, if shipboard crane/winch does not operate, is required. However, it is stated that aforesaid formula should not be applied in the following cases as in dry bulk handling manual as well as mechanical there is no need of Tally Clerk. It is further stated that for handling containers including stuffing/destuffing, there is no need for Tindal, either on board or on shore except 1 Tally Clerk per point. Further, it is stated that no Port or DLB employee needs to be deployed for loading/unloading operation of Ro-Ro vessel and car carriers. The appropriate manning scale has been suggested in Appendix-VI to the statement of claims. From which it appears that for entire on shore and on board operation regarding general cargo break bulk the total requirement is $8 + 7$, i.e., 15. It includes 1 Maistry, 6 Hook Mazdoors, 1 Tally Clerk per hook, 1 Tindal per vessel, 1 Crane/Winch Operator per hook, 1 Signalman per hook and 4 Mazdoors per hook. It further appears that for palletised cargo presling the strength suggested is $6 + 5$ including all the aforesaid categories and for bag cargo direct, the strength suggested is $6 + 7$. Again, for baged cargo stacking in shed, the strength suggested is $10 + 7$. For Iron and Steel direct, the strength suggested is $4 + 5$ and for iron and steel stacking, it is $6 + 5$. Then for logs direct the strength suggested is $4 + 5$ and for logs stacking the strength suggested is $6 + 5$. For dry bulk (manual) the

strength suggested in case of import is $3 + 9$, whereas for export it is $7 + 5$, in any case the total strength being 12. For dry bulk including scrap the strength suggested is $1 + 2$. For container (manual) the strength suggested is $4 + 5$ and for container (spreader) the strength suggested is only 1, i.e., Tally Clerk. So far as stuffing/destuffing is concerned, the strength suggested is only 5 and in case of Ro-Ro/Car carrier it is nil. It has also been stated that regarding other related operations the manning scale should be as in the case of shore operation at the quay as per requirement of the user. It is also suggested that so far as the Reliever is concerned, there should be provision for one Reliever for every three hooks and in case of export of dry bulk (manual) for use of pay-loader, grab attached forklift, the strength should be 2 only in place of 6.

7. It is further stated that so far as the general cargo break bulk is concerned, the loose cargo in small packages is manually put on the slings inside the hatch of the ship and thereafter the sling is fixed onto the hook of the shipboard or shore crane. Thereafter, the Crane Driver transfers the loaded hook sling from the ship hold to the shore and the loaded sling is off-loaded to a truck or trailer on ground, if the cargo is directly delivered and if the truck/trailer goes straight out of the port premises. It is stated that in most of the cases the cargo is off-loaded on the quay and transported to nearby storage area or transit shed, either by mobile cargo handling equipment, such as, fork-lift trucks, trailers etc. or by handcarts depending on packaging and weight of the cargo. It is stated in this connection that based on the type of cargo and nature and equipment of work the number of Mazdoors required on board and on shore will be 4 and 6. It is further stated that at some of the ports like Visakhapatnam, Calcutta, Chennai etc. certain types of cargos are first off-loaded from ships into lighters (barges) and then brought to the shore for subsequent unloading. It is stated that in export leg reverse operation may happen. So, it is proposed to adopt the unified manning as in the case of cargo discharged on shore and no additional manpower is required on lighters. In this view of the matter, the proposed manning scale for break bulk general cargo is 6 for on board and 8 for on shore operation. It is, however, stated that there is exception in case of heavy loads like rolled steel coils, packages, coated pipes, granite blocks etc. which require only attaching the sling to the hook of the crane inside the hatch and detaching on the quay or vice versa as such, only 2 Mazdoors should be booked each on board and on shore. Regarding palletised/pre-slung/unitised cargo, it is stated that in handling such unit loads, involvement of Mazdoors for sling formation or breaking will be less than that required for general cargo in break bulk condition as the activity is restricted to hooking/unhooking of unit load. It is stated that this type of cargo is handled on shore with mobile equipment like fork-lift, tractor trailer etc. that relieves the labour of manual effort in the process of handling. So,

in case of unitised cargo handling, there is suggestion for deployment of 6 Mazdoors only—4 on shore and 2 on board. By way of further clarification it is stated that on shore manning is indicated more than that of on board manning because of two segments of operation on shore, i.e. at hook point and at the stacking point. In this case, the manning scale suggested is 4 on board and 6 on shore. The only difference between the two groups is while on board 2 Mazdoors are suggested, on shore it is 4. Regarding bagged cargo it is stated that handling effort on board for sling formation or breaking is the same as on shore irrespective of cargo is moved on ground to/from stack or directly delivered or shipped. It is stated that the efforts on shore vary depending on whether the bags are delivered or shipped directly or transported from the hook point to the storage area and vice versa. It is stated that the transportation on shore to the storage yard or vice versa involves use of handcarts, fork-lift and tractor trailers etc. Regarding direct delivery of bagged cargo the proposed manning scale is 6 on board including 4 Mazdoors, 1 Signalman and 1 Tindal and this is also for on shore including 4 Mazdoors, 1 Tally Clerk and 1 Tindal. For such cargo, in case of stacking in shed, the suggestion is 5 on board and 10 on shore. The number of 6 in case of on board deployment includes 4 Mazdoors, 1 Signalman and 1 Tindal, while on shore deployment includes 8 Mazdoors, 1 Tally Clerk and 1 Tindal. In case of iron and steel for direct delivery, the suggestion is for 6 on board and 4 on shore and for iron and steel stacking the suggestion is for 4 on board and 6 on shore. So far as logs are concerned, in case of direct delivery the suggestion is 4 on board and the same strength of 4 on shore, but it is also stated that in case the logs are handled by mechanised log loader, no manning is required. In case of log stacking, suggestion is for 4 on board and 6 on shore. So far as the dry bulk (manual) is concerned, it is stated that no Tally Clerk is required as cargo volume is determined by survey of vessel draft. However, the suggestion for deployment is on board 8 including 6 Mazdoors, 1 Signalman and 1 Tindal and 7 on shore including 6 Mazdoors and 1 Tindal. In case of semi-mechanical handling of dry bulk the suggestion is for 6 on board and 3 on shore including 2 Mazdoors and 1 Tindal. So far as dry bulk including metal scrap is concerned, the suggestion is for 1 Crane Operator and 1 Signalman per hook on board and on shore 1 Crane Operator per hook and 1 Tally Clerk per vessel.

8. In this connection, it is stated that for continued loading/unloading of iron ore, coal etc. ports have installed capital intensive mechanised handling plants manned by technically qualified workmen and in this fully mechanised system, there is overmanning and the strength of manpower varying from port to port having similar plants. So, rationalisation is necessary for reducing the port costs. However, the claim in this regard is to be made at different stage. So far as the container handled manually is

concerned, the suggestion is 3 persons on board including 2 Mazdoors and 1 Signalman and 3 on shore including 2 Mazdoors and 1 Tally Clerk. In the case of container handled with the help of spreader the suggestion is that there is no necessity of deployment of any manpower. In case of stuffing and destuffing of container, it is stated that notional bookings of workmen at certain ports is meaningless and unnecessary because the workers do not report on duty and the payments have to be made to them. In such case the suggestion is for deployment of 4 Mazdoors and 1 Tally Clerk only and so far as Ro-Ro/Car Carrier is concerned, it is suggested that there is no necessity of deployment of any worker. It has also further been stated that in the domain of on shore operation, there is certain activities like loading/unloading of cargo at yard/shed, shifting/removal of cargo from one point to another, restacking of cargo in shed or yard, delivery of imported cargo or receipt of export cargo etc. and these activities need deployment of shore workers as indicated for handling different categories of cargo on the quay. It is further stated that there is certain odd activities like gear supply, dunnaging, cleaning/sweeping, lashing/unlashing, carpentry, line picking, watch keeping and other ancillary jobs, which are not covered under the cargo handling activities. It is stated that the importers or exporters or their agents should make their own arrangement for such activities as is being done at some ports. It is further stated that following categories of workmen are considered redundant on the basis of the need based requirement arising out of the change in the nature of packing of cargo, handling system and mechanisation etc. These categories are Deck Foreman, Derrick Fitter, Mate, Sardar, General Purpose Mazdoor, Carpenter, Chief Clerk, Senior Supervisor, Assistant Supervisor, Assistant Clerk, Junior Clerk, Junior Supervisor, Hatch Foreman, Derrick Fitter and Derrick Tindal, Cargo Supervisor and Leading GPM.

9. Claim No. 2 relates to manning scale for equipment operation. These equipments of various kinds are generally used for the purpose of handling cargo. So far as the deployment of Operators of various types of cargo handling equipment in use at major ports, different manning norms are being followed. It is stated that for handling general cargo and palletised cargo on shore equipments such as, Fork-lift, Truck, Tractor Trailer, Mobile Crane are generally and for off-loading the cargo from ship to the shore or loading it from shore to ship, either the crane/winch on board the ship or the crane on the shore (Electric Wharf Crane) is used. It is stated that in the existing pattern of equipment manning, the operational unit of heavy duty equipment like Quay Gantry Crane (QGC), Rail Mounted Gantry Crane (RMG), Frontend Loader, Mobile Crane etc. include in addition to operators, persons of non-operating category like Checker, Attendant, Tradesman or Khalasi are deployed, though the designations vary from port to port. It is stated that these personnel clean the equipment

at the start of shift and help the Operator in starting the equipment. So, absence of these non-operating personnel makes the equipment non-functional in the present day practice at the Indian Ports. It is stated that in foreign ports no person is allowed in the operational area, other than the equipment operators. It is stated that keeping in view the key role of operators in manning the equipment and necessity of a unicontrol mechanism to operate the equipment in most effective manner to bring out optimum productivity, it is necessary to isolate these groups of non-operating personnel from the purview of the equipment manning. It is stated that such workmen other than Operators may be in a pool meant for accountal etc. in the operational area or a part of the maintenance pool of the corresponding equipment unit depending on their present role in the respective fields. So, proposed manning has also kept in view the actual operator reliever scenario vis-a-vis the gainful running of the equipment. It is stated that in operating cargo handling equipment the need and practice is deployment of 1 Operator per equipment, which is essential and adequate, but, however, intensity of stress varies between equipment. It is stated that in case of certain heavy duty equipment such as, QGC etc. continuous operation by one Operator throughout the shift is not possible. So, to provide relief in between, where the intensity of work is high and strenuous, relieving operators are provided, the number of which differs between the ports. It is further stated that there is no difference of opinion in respect of the principle of deployment of additional Operators on certain types of equipment to provide relief to the Operator during the shift, but differences exist between the ports in respect of the number of relievers needed to be posted for identical equipment. Further, it is stated that present differential is mostly due to response to local push and pull and unlike other type of job, the post of Relievers are required for Operators in certain types of equipment, but it is essential that this is examined on scientific basis and the relief is provided based on actual need. In this regard it has been proposed that the manning scale should be decided. It is stated that in handling of containers the different types of equipments used include QGC, RMQC, RTG, RMGC, Reach Stacker, Top Lift Truck, Frontend Loader, Tractor Trailer. It is stated that among the above equipments, the Operator of QGC works in a cabin at a height of around 60 ft. and the work is more strenuous as loading/unloading operation between ship and shore is generally continuous. So, only for this equipment, higher ratio of reliever is required. It is stated that considering the work, it is adequate if one reliever is posted for two operators in 8 hours shift. It is stated that RTG deployed at the container-parking yard is used in tandem with the QGC for loading/unloading of containers at yard and normally 1 : 1 ratio is used in deployment of RTG vis-a-vis QGC. It is stated that moreover, the work is to offload the container from the truck to the yard or vice versa and hence the work is comparatively less strenuous and lesser ratio can be

adopted for reliever. It is further stated that it is proposed that 1 Reliever for 3 Operators should be adequate as mentioned in the Appendix-VIII. It is further stated that for all other equipments used for the container handling listed under item No. 3 to 6 above, there is no need for any Reliever as the work is not strenuous and there is inbuilt leisure in operation. It is stated that in foreign ports instead of separate relievers, QGC/RTG/Tractor Trailer Operators and Tally Clerks are multiskilled and rotated from one work to other to provide relief from the strains without providing additional hand. It is necessary to mention at this stage that the system prevailing in the foreign ports as stated above, cannot be applicable in the ports of this country, unless the personnel required to be deployed happen to be multiskilled and that will require some further effort to make recruitment and provide training to such personnel in due course. It is stated that apart from the above mentioned Gantry Cranes, another group of equipment like Wharf Crane, Mobile Crane, Forklift, Tractor-Trailer etc. are used in handling of commodities other than container and for stuffing and destuffing of container. So, deployment of Reliever to such equipment is not required because the extent of intensity of work involved is less and height factor is also not a point of concern. It is further stated that in case of Diesel Locomotive, there is 1 Reliever for every Diesel Loco Driver at Chennai only, while in other ports where the railway operation is existing, there is no reliever. It is stated that Mumbai Port Trust has done away with the reliever for Diesel Locomotive following an Arbitration Award wherein the Drivers are being paid additional allowance instead of reliever. It is stated that deployment of reliever for Diesel Locomotive is not required as the operation of locomotive in port is not continuous and the Drivers do not have excessive strains. Considering all these things the suggestions regarding the manning scale of such equipment has been made in Appendix-VIII of the first part of the statement of claims filed on behalf of the management. According to Appendix-VIII so far as QGC and RMQC engaged in the handling of containers, there is suggestion that one reliever should be deployed for 2 Drivers or Operators and so far as RTG engaged for handling of containers, the suggestion is for one reliever for 3 Drivers or Operators. So far as other equipments are concerned, it is stated that there is no necessity of any reliever being deployed.

10. Coming to Claim No. 3 relating to manning scale for marine services, it has been stated that for provision of marine services, i.e., berthing and unberthing of ships, pilotage of ships, hydrographic survey, dredging of port channels and berths, ports employ Mooring Crew and different kinds of floating craft such as Tugs, Launches, Dredgers, etc. It is stated that Marine Department in the Port is concerned with the discharge of functions enjoined on Port Authorities by the Indian Ports Act, including pilotage and in addition the Department renders various

services to the vessels using the Port such as, supply of water, fire fighting etc. It is stated that the types of vessels and crafts generally maintained by the Ports are River/Harbour Tugs, Dock Tugs, Survey Launch, Pilot Launch, Mooring Launch, Pilot Vessel, Survey Vessel, Research Vessel, Grab Dredger, Hopper Barge etc. and for operating these crafts two groups of employees are required, one being the deck staff and other is the engine staff. So far as deck staff is concerned, they work on deck of the craft and are mainly responsible for its navigation and the engine staff work in the engine room and looks after the operation of the engine and other allied equipment. It is stated that the category of the manpower deployed, manning scales etc. differ from port to port considerably; though the craft may be of the same or similar type. So it is stated that unlike cargo handling activities, certain categories of employees such as, Master, Engineer, Driver, Syrang etc. deployed on these crafts must have statutory certificate of competency issued by the notified authority or the Director General of Shipping as the case may be. It is stated that categories of on board crew such as, Lascar, Greaser, Cook, Topass etc. and those on shore such as Lascars deployed at the Lock entrance, Berths and Jetties, Dry Docks etc. for passing/mooring the vessels, do not require to have any technical qualification. It is stated that the manning scale of such categories of employees also differ from port to port and, therefore, there is a necessity of uniformity in the manning scale in respect of the marine operation at all ports keeping in view the minimum manning pattern in existence in any of the international/domestic ports for running the same or similar types of crafts and the peculiarities of the port, if any. It is stated that the above stated marine services are almost alike in all the major ports, except for Calcutta which is the only riverine port in the country. It is stated that the conservancy limit of the Calcutta Port Stretches through 30 Kms. upstream of Calcutta to the eastern channel light vessel at Sandheads, inside Bay of Bengal about 220 Kms. in the South. It is stated that it also includes shores of the river Hooghly, which are within 45.7 Mtrs. from the highest high water mark (spring tides). It is stated that at tidal ports, vessel movements are synchronised with the tide time. It is also stated that during ebb and when there is no vessel movement, tugs remain standby. It is also further stated that the tide time changes everyday and for maintenance of the long stretch of navigational channel, Calcutta Port Trust has got a number of special craft, Despatch Vessel, Research Vessel, Survey Vessel etc., apart from the vessels and crafts like other major ports such as, Tugs, Launches, Mooring Boats etc. It is stated that as per the requirement deployment of vessels and crafts follows different shift hours at different ports. It is stated that some of the vessels are required to stay down the river for 15 days a stretch and on coming back the concerned employees get shore liberty. It is also stated that to compensate them the concerned crew members are paid consolidated overtime allowance and in some cases free ration, provisions, resting

place, etc. It is stated that these are guided by the different Awards of the Tribunals which would be referred in course of adjudication proceeding. So far as the existing manning scale for various types of floating crafts is concerned, it is stated that all ports maintain large fleets of floating craft, sometimes much in excess of the requirement due to various reasons. It is stated that composition and number of floating crafts vary from port to port and it consists primarily of Tugs and Launches and in addition, many ports have specialised vessels such as, Dredgers, Fire Fighting Vessels, Floating Cranes etc. It is stated that in each of these categories there are various types of vessels. It is stated that the Tugs are primarily used for towing and assisting ships in their berthing and unberthing operations and in addition, they are also used in some ports for towing barges during dredging operation and unloading of very large crude oil carriers at single Buoy Mooring at mid-stream. It is stated that the bollard pull of the Tugs employed at the ports is generally in the range of 15 to 50 tonnes and there has been a progressive evolution in the technology of Tugs. It is stated that steampower has changed to dieselpower and single screw to twin screw propellers or the sophisticated and highly manoeuvrable tractor/reverse tractor tugs. It is stated that with the introduction of new propulsion systems, such as cycloidal and steerable rudder propulsion system, the handling of tugs has become much easier and less strenuous. It is stated that in addition, the performance of these tugs is much superior to those of earlier generation. It is stated that Tugs and Ships earlier used heavy duty Manila ropes for towing and making fast, but today with the advent of new technology, numerous lightweight and strong synthetic ropes, such as nylon, polypropylene, Aramid and other synthetic fibers are used by all ships. It is stated that many of the port crafts are fitted with global positioning system radar, echo sounders, computers etc. and if required these type of equipment can easily be fitted on the crafts which are not having at present. It is stated that the existing manning scales are based on 2 broad types of tugs currently operating in Indian Ports. It is stated that the conventional tugs have generally less than 30 tonnes pulling capacity; whereas Tractor Tugs have more than or equal to 30 tonnes bollard pull. So far as the conventional tugs are concerned, it is stated that the manpower deployed varies from 23 at Calcutta to 5 at New Mangalore with as many as 13 types of designation existing all over the ports. It is stated that in bigger ports there are slight variation in the manning strength between tugs and duration of operation of the tugs in most of the ports is 8 hours excepting at Calcutta and Goa where it is 12 hours and at Mumbai it is 24 hours. It is stated that the number of categories of workmen also vary from port to port and total number of the categories at ports are more than 13. It is stated that on engine side also the strength of manpower varies from 10 at Calcutta to 3 at Kandla and the different categories of workers is more than 10. So far as the Tractor Tugs are concerned, it is stated that the manpower

deployed varies from 14 at Calcutta to 6 at Chennai and Kandla with as many as 13 types of designations existing, so far as deck staff are concerned. It is stated that the tugs at most of the ports operate in 8 hours shift except at Calcutta, Mumbai and Goa where it is 12 hours. It is also stated that the crew of hired tugs operating at Mumbai, JNPT, New Mangalore and Goa change over after 15 to 30 days and at Haldia the workmen work for 10 days with 5 days off. It is also stated that the number of categories of workmen also varies from port to port and total number of categories at all ports is more than 13. So far as the engine staff of such tugs are concerned, the strength of manpower varies from 10 at Calcutta to 4 at Kandla and the number of different categories of staff is more than 10.

So far as launches are concerned, it is stated that at ports there are various types of launches such as, Pilot Launches, Mooring Launches, Survey Launches, VIP Launches etc. It is stated that classification of launches is done on the basis of its use and with the passage of time there has been technological advances in their designing and construction of launches. It is stated that it has not only improved the performance, but also the safety, manoeuvring and handling characteristic of the launches. Further, it is stated that launches were single screw and today most of the launches are with twin screw and some even have SRP/Cycoidal Propulsion System. It is stated that these technological changes have made operation of the launches much simpler calling for reduction in manpower. It is stated that many of these crafts are fitted with GPS, radars, echo sounders, computers etc. and on crafts which do not have these facilities, it can easily be provided, if required. It is stated that the existing manning scale of various types of launches is like this. So far as Survey launches are concerned, the deck staff strength varies from 6 at Goa to 3 at Cochin, Vizag, and Kandla and the categories of staff involved is 5 to 6. So far as the engine staff is concerned, in most of the ports the strength is 1 or 2. So far as the Pilot launches are concerned, the strength of the deck staff various from 7 at Calcutta to 3 at JNPT, Chennai and Kandla and different categories of staff involved are more than 9 when all ports are taken together. It is stated that at Mumbai, fibre body launches carry one Lascar and one Junior Clerk extra. So far as engine staff is concerned, in most of the ports it is between 1 to 3. So far as Mooring Launches are concerned, it is stated that the strength of deck staff varies from 7 at Cochin to 3 at JNPT, Chennai, Paradip and Kandla and different categories of staff involved are more than 6 when all ports are taken together. So far as the engine staff is concerned, it is stated that in most of the ports the strength of engine staff is 1 to 2.

So far as floating crane is concerned, it is stated that these types of cranes are available at Calcutta, Vizag., Mumbai and Chennai only and on comparing the existing manpower of these similar craft at four ports, the manning on deck side varies from 24 at Mumbai to 10 at Cochin. It is

also stated that there are as many as 9 categories of staff at Calcutta and Chennai and 4 categories at Cochin. So far as the duration of the shift is concerned, it is 8 hours except for at Mumbai and Calcutta where it is 12 hours. So far as engine staff is concerned, the strength varies from 5 at Vizag. to 8 at Mumbai and Cochin and the number of categories of engine staff is mostly 4. It is stated that this variation is also on account of the number of greaser.

So far as Grab Dredger is concerned, it is stated that the Grab Dredger dredges in the intricate areas like jetties and whereas or small port basins. It is stated that dredger is permanently fitted with one or more number of cranes with attachment of grabs which pick up the dredged material from the basin and put into its own hopper or in the adjoining barge. It is further stated that for its propulsion either tug is used or on its own power and when the tug is used, no workforce for engine operation is required. It is further stated that Grab Dredgers are available at Calcutta and Visakhapatnam, Chennai, Cochin and Mumbai Ports only and on comparing the manpower deployment on this group, the strength of deck staff varies from 11 at New Mangalore to 33 at Calcutta. It is also stated that there are as many as 12 categories of staff at Calcutta Port and MBPT and 6 categories at New Mangalore. It is also stated that duration of the shift is 12 hours at Mumbai, New Mangalore, Chennai and Calcutta and 8 hours at Vizag. So far as Haldia is concerned, the workman are deployed for 10 days followed by off of 5 days. So far as the engine staff is concerned, it is stated that the strength varies from 5 at New Mangalore to 21 at Cochin and there are as many as 8 categories of staff at Vizag. and 5 categories at New Mangalore and Mumbai.

Coming to Dumb/Hopper Barge, it is stated that the Hopper Barge is used for carrying dredged material being towed to the dumping ground by tugs and no engine staff is required for such barges, but Winchman/drivers and Greaser are required when the barge is self-propelled or provided with some equipment. It is stated that in this case the strength varies from 13 at Calcutta to 4 at Goa, so far as the deck staff is concerned and so far as engine staff is concerned, the strength varies from 8 at Calcutta to 3 at Goa.

In case of Pontoon Dredger, it is stated that Pontoon Dredgers are similar to Grab Dredgers and are used for lifting the dredged material from the port basins and stored inside the external Hopper Barge, but an external crane with grab attachment is fitted to the flat surface for lifting dredged material. It is stated that at present this type of dredgers are available at Mumbai and Cochin only. So far as the deck staff on such dredger is concerned, it is stated that there are 11 workmen working on the deck at Mumbai and there are as many as 5 categories of staff, whereas there are only 2 categories at Cochin. It is also stated that duration of shift is 8 hours at Cochin and 12 hours at Mumbai. So far

as the engine staff is concerned, it is stated that the strength various from 2 at Mumbai to 1 at Cochin.

In the light of what has been stated above, same manning scales have also been proposed by the management. It has been stated that uniform manning scale is required for each type of craft on the basis of existing minimum level on the deck and engine room. It is also stated that it needs to be mentioned that posting of certain categories such as qualified Master, Driver, Engineer etc. is a statutory requirement and could be complied with. It is further stated that the sophisticated navigational/survey/communication equipment on board on modern day floating craft, the Master has access to the reliable and real time information even in rough weather and consequently he does not have to rely on other crew members as in the earlier days and man-power requirement, therefore, can be effectively reduced. It is further stated that unfortunately at major ports, manning has not kept pace with the changing technology due to insistence of the unions. It is stated that the manning for craft is generally arrived at all the major ports through negotiations with the labour unions who ensure that all categories, even though redundant, are retained. It is stated that manning of tugs, launches and other crafts even when procured with the latest technology are not allowed to be reduced excepting in certain cases. It is further stated that categories such as, Topass, Bhandari, Table Attendant etc. posted on craft are anachronisms in the present day time when multiskilled and multitask concept are in vogue at ports world over. It is stated that presently on ships and crafts General Purpose Crew is deployed, even on private owned in India. It is stated that the container ships of 70000 Gross Tons carry crew of only about 20 persons who perform all the ship-board tasks. It is also stated that there is further pressure of the owners to reduce this number and in comparison the tonnage of a tug is approximately 300 gross tons. It is stated that at some ports like Mumbai, unions have accepted some reduction in crew strength for new tugs which have higher engine capacity and better equipment, but the reduced strength have been arrived at after considerable and prolonged wrangling with the unions, knowing fully well that even after reduction, manning is higher than the required level. It is stated that this has been agreed to maintain industrial peace and harmony. It is stated that the crafts that are modern and have more sophisticated equipment and latest navigational systems require fewer crew who are multiskilled and interchangeable between the deck and engine room. In other words, the ports should introduce the General Purpose Crew which system is followed world wide. It is stated that Flotilla Crew in ports also have a number of restrictive practices such as, no transfer of manpower from an idle tug to another, rigid compartmentalisation of categories and job specific, informal norms of duty, refusal to carry out duty in the absence of full complement, or to work in the adjoining

dock of the same port etc., which lead to avoidable down time of the craft and in turn results in cancellation or delays to shipping movement, idling of port facilities, higher costs to the ship owner and the port etc. It is stated that net result is loss of revenue to the port, higher port cost for ships calling at the port and finally shipping lines diverting vessels to other ports which are cheaper, more efficient and have no delays. In this connection it is stated that it must be understood that today the ship owner, who is competing globally in a competitive market, is very much concerned with the delays to his vessels which has an adverse impact on the operating costs. It is also further stated that amplification on this matter can be given, if required. Further, it is stated that comparative statement of manning levels at all ports have been given in the earlier paragraphs and it can be seen that manning levels very considerably from port to port and need to be rationalised and reduced.

So far as proposals are concerned, it has been stated that so far as tugs are concerned, the manning is on higher side all along and throughout all the ports. It is stated that at JNPT the tugs owned by the port are manned and maintained by private contractors, apart from the port hiring 2 private tugs. It is stated that the manning of hired tugs is 5 persons on deck and 3 persons in the engine room and similar strength is also on board the JNPT owned tugs. It is stated that the salient features of the agreement with the tug owner are steady/sustained Bollard Pull (BP) of 45 tons capacity; Penalty payable for loss of B.P. even for part of a ton; Operation of the tug round the clock including Sundays and holidays throughout the currency of the agreement, excepting 12 to 15 days allowed in a year for maintenance; and if the tug is inoperative and or unavailable, penalty is imposed, in addition to non-payment of Charter hire charges for the period. It is further stated that at Mumbai a port owned 32.5 ton BP tug is manned by 19 persons, 12 on deck side and 7 on engine side and at Paradip 21 persons are deployed, 11 on deck side and 10 on engine side. It is further stated that at Calcutta 24 persons are deployed, 14 on deck side and 10 on engine side and it is against 24 hours guaranteed availability round the year of the private tugs during 1999-2000 availability of 5 port owned tugs at Mumbai was 3, 46, 162, 170 and 257 days respectively. It is stated that even this manning scale is higher by international standard because in Germany some tugs are operated by 3 persons only. It is further stated that considering the work of tug being intermittent in nature, 8 persons should be deployed on Harbour Tugs irrespective of the shift hours. The strength of 8 persons has been described as 6 on deck side and 2 on engine side being the Engineer or the Motor Engine Driver and semi-skilled or unskilled General Purpose Mazdoor.

11. So far as the launches are concerned, it is stated that new Survey launches have been procured couple of years back from Holland by Kandla, Visakhapatnam,

Mumbai and Mormugao and the manning of these launches with similar technology varies from 4 to 8. It is stated that the lowest manning of 4 persons is at Chennai. It is stated that at Holland some launches are operated by 3 persons only. It is also further stated that at Calcutta the hired launches have lowered manning and, therefore, a manning of 4 persons per shift is recommended for Survey Launches. Apart from this 4 persons to be deputed on deck side, 1 Engine Driver is required on engine side. So far as the Pilot Launches are concerned, it is stated that such launches are used to transport the Pilot to and from vessels and these launches are mostly constructed of fibre glass or steel and they are propelled by single screw or twin screw propellers or by water jets. It is stated that the existing manning scale of the Pilot Launches vary from 4 at JNPT and Chennai to 10 at Calcutta. It is also stated that the private operators man, maintain and operate Pilot Launches at JNPT, though the launches are owned by JNPT. It is also stated that even though the manning, operation and maintenance is with private operator, the Port is closely involved in overseeing maintenance and operation of the launches. It is also stated that at Calcutta Port also hired launches have lower manning. In this background, it is suggested that there is necessity of deputing only 4 persons on deck side, apart from 1 Engine Driver on engine side.

Some suggestions have been made regarding the manning of Mooring Launches and Passenger Launches also.

So far as the Floating Crane is concerned, it is stated that the floating crane (diesel operated) are owned by Ports of Calcutta (60 Tonnes capacity), Vizag (150 Tonnes capacity), Chennai (120 Tonnes capacity), Cochin (120 Tonnes capacity) and Mumbai (60 Tonnes capacity). It is further stated that the minimum level is 10 crew member on the deck side at Cochin and 5 on the engine side at Vizag and accordingly manning of 15 crew members per shift is recommended, out of these 15, 10 will be on deck side and 5 on engine side.

So far as Grab Dredger is concerned, it is stated that at New Mangalore, Grab Dredger operates with 16 crew and 1 Second Mate is added to be second in command to attend stations forward and to attend emergencies. It is stated that the number of Crane Operators shall vary with the number of cranes and the proposed manning should be as follows. It is suggested that there should be deployment of 10 persons on deck side, 6 being Lascars including general purpose Bhandari and Cook etc., 1 Seacunny, 1 Serang, 1 2nd Mate and 1 Master. So far as the engine side is concerned, the proposed manning is 6, 2 being Engine Driver, 1 Engineer, 1 Electrician, 1 Operator per crane and 1 Oilman.

So far as the Dumb/Hopper Barge is concerned, it is stated that the minimum manning of 5 persons is at Cochin

and 7 persons at Mormugao as against the highest of 21 at Calcutta. Thus, a manning of 4 persons per shift is recommended when it is non-propelled and no engine staff is needed. It is also stated that an additional Driver is to be deployed when the barge is self-propelled and thus manning will be of 6 crew members, 5 on deck side including 1 Winchman and 4 Lascars and 1 on engine side being Engine Driver.

So far as Pontoon Dredger is concerned, it is stated that at Cochin this type of dredger operates with 7 crew members including the Crane Driver and so the proposed strength is 6 crew members, 4 on deck side and 2 on engine side.

So far as the mooring operation at lock entrance or berth is concerned, in Mumbai and Calcutta there is large complement of persons to assist in berthing/unberthing of ships at berth or during their passage through dock barrel. It is stated that they are required to handle the ropes and wires given by the ships or the Port. It is stated that at other Ports Mooring Crew are involved only during berthing/unberthing of vessels handling mooring ropes. So far as the Mumbai Port is concerned, it is stated that the present complement of Mooring Crew is 108 per shift at Indira Dock, 50 at P & V Docks and 53 and 53 at Jawahar Dweep and Pir Pau. It is stated that these include posts of Shore Lascars, Serangs and Tindals. It is further stated that deployment at Indira Dock Lock Gate is 72 persons per shift, which comprises 64 Shore Lascars for ropes and wires, 4 Shore Lascars for handling fenders, 2 Tindals and 2 Serangs. It is stated that during lock operations 2 Jolly Boats are used to carry the ropes and wires on either side and 7 persons consisting of 6 Lascars and 1 Tindal are on each Jolly Boat. So, the total manpower required at Indira Dock Lock Gate for handling a ship is 86 persons per shift. It is further stated that for carrying out berthing/unberthing operation at berth, complement of 18 persons consisting of 16 Shore Lascars, 1 Tindal and 1 Serang is deployed. It is further stated that due to technological changes, heavy and huge manila ropes have been replaced by synthetic fibre ropes, which are lighter, thinner, stronger and easy to handle. So, the present complement of Shore Crew is far more than requirement. It is stated that the manning per shift recommended at Indira Dock is 25 persons consisting of 24 Shore Lascars and 1 Tindal or Serang. Regarding P & V Docks, it is stated that there are 2 groups of 25 persons each consisting of 23 Lascars, 1 Serang and 1 Tindal each shift. It is stated that 1 group is used for Lock Gate operations and the other for berthing operations and with considerable reduction in the traffic at P & V Docks, it has been proposed to have two groups of 7 and 6 persons for handling Lock Gate and Berthing Operation respectively. It is stated that the Gate Operation Group shall consist of 7 Shore Lascars and 1 Tindal and the group of Berthing Operation shall consist of 6 Shore Lascars and 1 Serang. It is also further stated that these two groups shall operate

during the day shift in view of the reduction in traffic and few movement of vessels in P & V Docks. So, there is no need to post any staff during night shift. It is also recommended that the shore crew should be transferable to any of the operations, be they Gate, Berthing, Lock etc. and they should also be transferable from one dock to another as per the requirement of the Port as this rotation will also give the crew experience and exposure to work in other dock areas. So far as the Jawhar Dweep and Pir Pau is concerned, it is stated that the crew deployment is 12 at each Jetty including 10 Shore crew, 1 Serang and 1 Tindal and 8 at each of the two Dolphins, i.e., 7 Shore Crews and 1 Serang. It is also further stated that further 8 persons are deputed at spring and thus there are 38 persons in each shift. It is also further stated that 5 were added to the complement for New Pir Pau Jetty making a total of 43. It is stated that in fact, there is no place on the Dolphins for so many persons to stand at a time. There is only one berth attended to by the crew at one time at either Jawhar Dweep or Pir Pau. So, the required deployment is only 4 Shore Lascars on each of the 4 Dolphins and 3 on each of the 2 Springs with 1 Tindal, the total being 23 per shift. It is further stated that the Jolly Boats are used to carry the ropes and wires from the ship to the shore during lock and berthing operations and these are rowed manually and crew of 7 persons currently mans them. It is stated that considering two men are required for rowing the boat and for handling the ropes, 4 Lascars appear to be adequate. Accordingly, it is recommended that the Jolly Boats need to be done away with and replaced by mechanically propelled craft as this will not only enhance the safety of the crew in the boats, but also the operation. It is stated that at times due to various reasons the manually rowed boats find it difficult to keep up with the wind, tides or the ropes. So, the mechanically propelled boats can be operated with a total crew of 4 persons per shift as in the case of Mooring Launches. Accordingly, it has been suggested that at Mumbai Port the deployment should 32 at Indira Dock including 30 Shore Lascars, 1 Tindal and 1 Serang, 15 at P & V Docks only for day shift including 13 Shore Lascars, 1 Tindal and 1 Serang and so far as Jawhar Dweep and Pir Pau is concerned, the manning suggested is 23 persons including 22 Shore Lascars and 1 Tindal. So far as Calcutta is concerned, it has been stated that the Calcutta Port comprises of 3 dock systems, viz. Kidderpore Docks, Netaji Subhas Dock and Haldia Dock. It is stated that KP Docks consist of 2 Docks, i.e. Dock No. 1 and Dock No. 2 and a turning basin and a lock entrance giving access from river to the Dock System. It is stated that for berthing/unberthing of ships at KPD, Dock Lascars are deployed in 12 hours shift with fixed OT and the complement in each shift excluding roster relief on each side of the Lock, 5 Head Lascars and 13 Lascars; on west side 2 Head Lascars and 8 Lascars; at Swing Bridge No. 1, 2 Head Lascars and 8 Lascars; at No. 2 Dock 2 Head Lascars and 12 Lascars and one extra group of 10 Lascars. So far as NSD in

concerned, the deployment of 1 Serang, 1 Tindal and 24 Lascars with one extra group of 8 Lascars. It has been stated that Calcutta Port happens to be riverine port and arrival/departure of vessel is strictly related to tide time. It is stated that the present system of deployment of Lascars for berthing/unberthing of ships in the dock in spite of steep decline in activity, specially at KPD creates a situation in which a large number of Lascars remain idle once their job is over. It is stated that actually the effective period is not even an hour and that too restricted to their beat. It is further stated that the Lascars refuse to be deployed in areas earmarked for another group of Lascars to supplement shortages and this kind of restrictive practice, apart from adversely affecting the shipping, results in wastage of manpower, unproductive overhead expenditure and huge financial loss to the Port which is in an acute state of financial crisis. So, it is stated that it is imperative that the existing system is changed and a pool of Lascars is formed from which deployment is made strictly as per the requirement at any of the Docks. It is also suggested that even in case the workmen are required to travel a longer distance for the next job, the Port may provide official transport. It is also further stated that shortage of Lascar at one Dock within Calcutta can be made good by transferring idle Lascars from the other and as such flexibility in deployment of Lascars at any of the Docks at Calcutta will ensure gainful and optimum utilisation of man-power while achieving much needed economy. It is stated that deployment of Lascars for berthing/unberthing or mooring/unmooring of ships is in a shift of 12 hours with a statutory overtime of 55%. In this view of the matter, it has been suggested that the requirement of Lascars in one shift appears to be 34 and in two shifts the total requirement will be 89 persons including 68 Lascars, 11 persons for weekly off, 5 for leave reserve and Serang/Tindal 5. Similarly, it is suggested that at NSD, requirement of man-power should be 20 Lascars in each shift and the total requirement will be 54 persons including 40 Lascars, 2 Serangs, 2 Tindals, 7 weekly off and 4 leave reserve. It is further stated that at Budge Budge Oil Jetties on the river, ships are moved by a group of Mooring Crew assisted by a Heave-up Boat and a Hawser Boat. It is stated that the men involved in the operation are 1 Tindal, 1 Majhi and 15 lascars of Mooring Crew and 1 Tindal, 1 Majhi and 9 Lascars on each of the Heave-up boats. Again, the deputation is 1 Majhi and 8 Lascars on each of the Hawser Boat. It is further stated in this connection that entire mooring operation takes about 2 hours and is undertaken during ebb tide only. It is stated that with the passage of time scientific fibre ropes have replaced original manilla ropes and these are lighter, thinner, stronger and easier to handle. So, for the Mooring Crew for handling ropes it is much easier than it used to be previously. It is further stated that in the present day scenario for handling the ropes a group of 8 Mooring Crew would be sufficient for handling the ropes of the ships and need is felt to introduce mechanised boats in lieu of Heave-

up boats and Hawser Boats and obviously mechanised boats can be manned by lesser number of men. It is further stated that for this purpose out of the existing 19 Buoys, 12 would require modification to change to Centre Channel Buoy Type.

So far as Haldia is concerned, it is stated that for the purpose of mooring activities, operational areas have been differentiated as Lock entrance, 1st and 2nd Oil Jetty, 3rd. Oil Jetty. It is further stated that for berthing/unberthing of ships at Haldia, Marine Hands Grade-I and Grade-II are deployed round the clock. It is stated that the staff work for 10 days continuously followed by 5 days off and are paid overtime @ 76%. It is stated that the work is intermittent in nature and vessels arrive at port only during high tide which is every 12 hours. It is further stated that the present system of booking workmen for 10 days followed by 5 days off is not required to be continued as this leads to under-utilisation of man-power, excess booking and substantial additional expenditure. It is also suggested that some categories like Bhandary and Cook are not required at all when the staff is deployed on 12 hours shift. Thus, at Haldia Dock System, requirement of man-power per 12 hour shift should be 42. It is further stated as proposed for Calcutta and Mumbai, at Haldia also a common pool of Marine hands should be formed from which deployment should be made strictly as per the requirement at any place of work. It is stated that so far as mooring and unmooring of vessels at other ports are concerned, because of the absence of lock entrance system, there requirement should be lesser and at those ports the complement of 1 Tindal and 6 Mooring Crew should be treated as adequate. It is also further stated that so far as Jolly Boats are concerned, boats are rowed manually and 5 persons operate each boat. It is stated that considering that two men are required for rowing the boat and two for handling the ropes, 4 Lascars should be adequate and it is felt that in place of Jolly Boats, mechanised boats should be introduced to ensure a smooth operation on the one hand and to enhance the safety of the crew on the other hand.

12. Coming to the claim No. 5 it has been stated that there are several restrictive and unfair labour practices which need to be discontinued. It is stated that study of such unfair restrictive practices has been undertaken and report would be submitted and the matter shall be dealt with in another volume of the statement of claims. Similarly, it has been stated that the uniformity in the manning scale for similar tasks at different ports require special attention because there is no justification of the different manning scales being allowed to continue in the different ports for similar kind of work or for operating the similar crafts and vessels. It is stated that apart from the loading/unloading of cargo, Ports have to undertake some other activities also which contain maintenance and operation and maintenance of mechanised handling plants for coal, ore and fertiliser. So, it is stated that uniform approach is needed

to review the manning requirement in those areas and it is suggested that an expert body should be entrusted with the job of considering the optimum requirement for all these activities.

13. Claim No. 4 deals with the discontinuance of notional booking and restrictive labour practices. It is stated in this connection that several restrictive practices have been developed in course of time and it has a major impact on port efficiency and on the cost of moving cargo in the international maritime trade. It is stated in this connection that the World Bank in 1991 undertook a study regarding modernisation of the Indian Ports and the fields under consideration were (1) improving the efficiency and cost effectiveness of transport operations and support the introduction of more efficient technology; (2) implementing its stand intention of decentralisation and liberalisation of the sector for improved resource mobilisation, escaping existing labour constraints on public enterprises and assuring efficient use of capital investment; (3) improving the efficiency of investment in transport infrastructure rehabilitation, maintenance and upgrading etc. and (4) measures that would help to increase the productivity of container and general cargo operations, streamlining working procedures. It is further stated that the report was mainly based on the information gathered in July and August, 1992 and it was prepared in 1993. It is stated that while dealing with the restrictive practices, it has been stated in the report that these include excessive manning, bad time keeping, poor labour deployment and unofficial payment schemes. It is observed in this connection that these ultimately have a major impact on port efficiency and on the cost of moving cargos in international maritime trade. The report also deals with these various types of restrictive practices such as, excessive manning levels, bad time keeping and deployment of labour. While dealing with excessive manning levels, it has been observed that the most serious cases of excessive manning are found in the unitized trades, where gang sizes for handling of conventional general cargo are still applied to the loading and discharge of containers. It is also stated that in the most extreme cases, i.e., the Port of Cochin, a gang of 57 men comprising staff of the private stevedores, Dock labour Board and Port Trust is engaged for loading and discharge of the containers between ship and quay. It is also observed that high manning levels are also to be found in loading and discharge of containers in Ports of Bombay and Calcutta. The report further states that in the large majority of the Major Indian Ports, the container is still regarded as extension of the ship's hatch and manning levels similar to those on the ships and shore are applied for packing and unpacking of general cargo from containers. It is stated that in Cochin, a gang of 52 are allocated for stuffing and stripping of containers in the port area and similar high manning levels are found at the Ports of Bombay and Calcutta; in contrast, the Port of Madras

has been able to negotiate more realistic manning levels with only 11 men allocated for ship loading and discharging of containers. It is further stated that a notional gang of 14 men (12 ± 1 Tally Clerk and 1 Supervisor) is charged out to the Stevedores for ship-board work and the men receive the appropriate incentive, but is not actually allocated. It is also further stated that the gang for stuffing and stripping of cargo still stands at 17, far in excess of requirements, but a much leaner gang than those allocated in Bombay and Calcutta for the same work. So, it is stated that excessive manning is widespread problem affecting all port activities. The report also dealt with bad time keeping, but that is out of context. The report has dealt with the development of labour problem and it is stated that there are number of restrictive practices in the major Indian Ports which restrict the flexibility with which the managers and supervisors can sensibly allocate and deploy labour. It is stated that in most of the major ports the continuity rule applies in which the transfer of labour from ship to ship or between hatches on the ship within a shift is not permitted. It is stated that the restriction on the transfer of labour between ship and quay side to meet operating requirement are also rigidly enforced. The report further states that the principal reasons for these are the strict demarcation that exists between shipboard and shore work, the rigid nature of job descriptions, the reluctance of the workers to substitute for colleagues and the complications that arise when calculating piece work earnings. The report further observed that the consequence of high manning levels and low output figures is that labour costs per tonne of cargo handled in Indian ports are high despite the fact that salary levels are well below those in many other countries.

The report further states "Although it is difficult to obtain conclusive factual proof, there is a strong consensus, amongst port users and observers of the transport scene in India, that the unsatisfactory service levels of the transport system in general and of the ports in particular have had a most damaging effect on India's external and internal trade. The evidence is strongest in respect to the containerized trade. Most of India's container cargoes are carried either in inappropriate non-cellular vessels calling directly at India ports, and increasingly in feeders for transhipping into cellular main-line vessels in pivot ports such as Colombo, Dubai and Singapore. In fact the latter routing increases the freight bill by some US \$ 350 per container equivalent to the feeder freight paid by Indian Shippers or consignees but is made necessary by the exporters' obligation to reach their markets on time. Moreover, Indian Ports have been completely discarded as possible load centres, notwithstanding their captive trade potential and favourable geographical position of Madras and Cochin in particular. In fact, the container transhipment flows have virtually disappeared from Indian Ports. Madras is a good case in point. The transhipment traffic there reached a total of 38,000 TEU in 1986/87, but

dropped to a mere 434 TEU in 1990/91 notwithstanding substantial new investments in container handling facilities and more attractive handling rates. The port has moreover officially announced that it has presently a spare capacity to handle at least 80,000 transhipment boxes per year. Clearly, if under those conditions users show no interest in the transhipment capabilities of Madras, it must be the quality of service and the total direct and indirect cost that must be in question. Cochin has been attempting to promote its role as a transhipment port since the mid eighties, but through a lack of dedicated container facilities has not been able to properly market this activity up to now. Its first container handling facilities have been commissioned early in 1992, and although it has a good geographical position close to the main Europe/Far East trade artery, it is unlikely to realize its hopes of becoming a major hub port, unless it dramatically improves its entrance channel depth, operational efficiency, labour productivity, industrial relations record and handling cost level. In short Cochin as other Indian Ports must become much more attractive in "total cost" terms.

The example of the poor performance in Indian ports in the container transhipment traffic is a particularly significant one because it concerns the only trade segment in which port users have had a real choice and Indian ports hold no "defacto" monopoly. The total disappearance of transhipment containers in throughput statistics can only be interpreted as a clear sign of the users' dissatisfaction with the service quality the Major Ports have been maintaining. A dramatic reversal of the trend is required to avoid that India's foreign trade becomes totally dependent on the services of predominantly foreign feeder vessel operators and the performance of competing neighbouring ports.

In summary, the Major Ports in India because of the low output levels achieved and the poor effective utilization of facilities, often resulting in high berth occupancies, are expensive, not so much in terms of the direct costs but principally because of the total indirect costs incurred by the users (i.e. ships' time in port, cargo inventory costs, storage charges, avoidable internal transport costs in the ports). Also other costs which are less easy to quantify such as the cost of delays in delivering the cargo to a production unit or cargo damage and theft are extremely high. Finally, the ineffective utilization of facilities increased the need for additional investment and hence ports unwarranted funding demands on the Government or the port itself, for providing supplementary facilities which would not be required, if better use was made of the existing ones. Finally, potential areas for developing port activities, such as transhipment, are lost to competing ports in neighbouring countries, and to contribute to reinforce the latter's commercial position. The Indian ports system has now reached the point where radical changes can no longer be postponed, at least if in the next decade they are to

efficiently perform the functions of sea-to-land interfaces which India's international trade imperatively requires."

It is stated that the conclusion of the World Bank team based on observations during the visits to case study ports and on statistical information collected are various. It is stated that the report has concluded that the overall picture that emerges is one of a port system that has neither kept pace with the changes that have occurred in the international trade, nor with the technological and structural revolution in the transport sector and this has led to a widening gap between the ports' capacity to perform and the users' increased requirements. It is stated that from within a confined Indian perspective the inadequate response of the logistics chain in the country to the demands of the users may not be fully appreciated. However, when comparing the major ports of India with ports worldwide, the shortcomings in terms of operational efficacy, financial performance etc. become all too evident. It is also concluded that the output levels on general purpose berths are unsatisfactory by international standards and for technical advanced facilities such as container and mechanised bulk terminals, they are extremely disappointing. Clearly this must be reflected in the handling costs in Indian Ports borne by the ship and cargo. It is also further concluded that poor operating performance and high costs are the two crucial factors that will induce shipping lines and shippers/receivers to look for alternative itineraries and ports. Not only direct costs are higher than indicated in the official statements but the real penalty in Indian ports is constituted by the level of the indirect costs. The report further concluded that there exists widespread but unauthorised practice of port users paying speed money to encourage labour productivity, which constitutes a substantial increment on wage earning. This additional expenditure inflates the cargo handling charges in Indian Ports. The report also concluded that various infrastructure and limitations have effectively restricted the choice of alternative routing. Port users have had little or no other choice than to put up with the mediocre service standards offered and subsequently to pass on the direct and indirect costs to their respective customers and in some extremes cases traffic may even have disappeared altogether. It is stated that during the past decade, since the World Bank report, there has been certain changes, but the same is mainly related to increase in volume of traffic and cost of operation and very modest improvement in productivity inspite of a substantial investments in port infra and superstructure and it is further stated that the rest of the situation, however, remained the same, excepting reduction in Manning pattern for stuffing/destuffing of containers at Cochin and gang strengths marginally at few ports and discontinuance of notional booking of Dock Labour Board workers on vessels at Chennai Container Terminal following merger of Dock Labour Board with the Port Trust with effect from 1-6-2001. In the study of the World Bank, the report primarily talked about cargo handling operation, but

its observations relating to excessive manning levels, restrictive practices, bad time keeping, deployment of workforce, unsatisfactory and uneconomic services etc. equally apply to other spheres of activities at all major ports and Tug service is no exception. It is stated that Manning strength has hardly changed from coal fed boiler days and continues to be high due to stiff objection and refusal backed up by strong labour unions, the flexibility with which crew can be sensibly allocated and deployed is restricted. Transfer of one crew member from one tug to another in case of staff shortage, deployment of multi-purpose crew owing to strict demarcation of work between different categories, transfer of a tug from one dock to another etc. are not agreed to by the crew. It is further stated that world over, multipurpose crew concept is accepted along with reduction in strength of crew following modernisation and advancement in technology. but, unfortunately, the ports in India are far lagging behind consequently raising the operating cost. It is stated that the World Bank team again visited India in 1995 which was followed by submission of "India Port Strategy Report" and this report concentrates on the main issues facing the ports and attempts to define policies in the areas of operations, institutions and finance, in addition to making a limited number of specific recommendations. The World Bank team reiterated the existence of numerous restrictive practices inflating the manpower. It has been stated in the report that an example to indicate the practices in Port inflating the manpower and cost is as follows. At JNPT the Trust owned and private terminal of NSICT (P & O, Australia) are operating side by side along a continuous quay with similar back up area, other physical conditions and environment. It is stated that equipment fleet owned by each of them, hours of shift, operator relieving pattern, total manpower, traffic handled etc. will indicate the real picture. It has been mentioned that so far as the total manpower in the berth operated by the JNPT is concerned, it is 603, while it is 570 in case of berth operated by NSICT, but the volume of traffic handled during 2000-2001 happened to be 5,00,000 TEUs and 6,95,000 TEUs for NSICT. It is also further stated that despite the operation carried out at the Trust terminal in 8 hours shift, the scale of providing relievers is more than double. It is further stated that in respect of operating tugs, the Manning pattern and per day cost of operation at some of the ports are like this. At Mumbai, the Manning pattern of the Port owned tugs was 12, whereas it was 8 in case of private tug. Similarly, at New Mangalore, the Manning strength in the port operated tug is 10, while it is 8 in case of the private tug. Similarly at Mormugao the Manning strength of the port owned tugs is 16, while it is 8 in case of private tug.

It is stated that analysis of daily act or movement carried out by these tugs revealed that the performance of the private tugs is twice as much of the port owned tugs and the private tugs are to give guaranteed availability or

else to penalty. It is stated that this is inspite of reduced manpower on board the private tugs. So, if the cost of per act or movement is considered, cost of operation of port tugs at these ports is double compared to the private tugs.

It is stated that crew of vessels and crafts at some of the ports and on more than 8 hours shift and get O.T. for additional work on monthly basis. O.T. continues even though the Operators/crew are redundant, do not required to come earlier or have any work or craft is laid up for repairs. So, it is stated that withdrawal of O.T. payment is objected even though booking on O.T. is prerogative of the management. Furthermore, the Operators though supposed to report for duty one hour earlier, invariably come one hour late, defeating the very purpose of such arrangement and at some places payment of O.T. for working during lunch recess in anticipation. It is stated that this system of O.T. payment must be stopped and individual or required number of persons cannot be booked on O.T. It is stated that entire section, division needs to be deployed even though job requirements do not warrant. O.T. booking will be as per actual need. It is suggested that persons on 12 hours shift or more, when idle, for craft being under repair, laid up awaiting survey/disposal etc. will not be entitled to O.T. and attend duty for 8 hours. It is stated that at most of the ports ships work, i.e., loading/unloading operation is carried out round the clock in three shifts of 8 hours each. At Ports like Mumbai, Visakhapatnam etc. a shift system of three is followed. In this background it is proposed to follow continuous 8 hours shift pattern at all ports uniformly for cargo handling operation, as in the case of most of the ports and other Industries and this will enable a continuity and the work can continue without any interruption. It is stated that the night shift operation should depend on work requirement, i.e., will be need-based. The proposal is not being agreed to by the labour unions. It is, therefore, prayed on behalf of the management that the duration of all shifts as 8 hours should be fixed, since vessel loading/unloading is a continuous process to ensure quicker turn round of vessels and least vessel idle cost.

14. Dealing with the restrictive practices, it is stated that there are numerous restrictive practices prevalent in major ports. Job classifications are strictly demarcated in specialised sub-schemes and workers refuse to be transferred from one sub-scheme to another to undertake work outside their job classification or to move from one area to another of the port. It is further stated that excessive manning levels, delays in reporting to work, waiting, early stoppage before end of shift and deliberate slowness in conducting handling equipments are typical practices. It is stated that refusal to work in case of shortage of one worker out of the team or to proceed to another work spot to do identical job, even though the cadre and seniority list are common is also one of the restrictive practices. It is further stated that the Drivers are insufficiently motivated and lack discipline. Restrictive practices such as rigid equipment

and driver allocation policies and inadequate communications add to the difficulties. Therefore, speed money, although illegal, is reportedly paid to port labour to obtain productivity levels above the low official requirements. It is stated that speed money increased the productivity in some Indian ports during the last decade, but the expectation that speed money is to be obtained is presently a cause of slow work. It is stated that it is clear that the payments are made openly to others than dock labour have an impact and the port labour also feel that they are entitled to some perk. In this view of the matter, it has been prayed on behalf of the management that (1) Employees having similar nature of work can be held in a pool and deployed as per need to give flexibility for optimum utilization of manpower; (2) Transfer from one sub-scheme/working point to another is possible; (3) Booking of staff on overtime more than the actual requirement to be discontinued and the same will be purely management's prerogative; (4) Demand for additional payment for jobs, which are part and parcel of duties attached to the posts to be stopped; (5) Booking of reliever at the rate of 1 : 1 to be done away with and relief to be provided on Tippler, Stacker, Reclaimer and Shiploader at the rate of 1 for every three operators; (6) Multiskilled operators can be deployed for equipment; operation (7) workmen to report on time and no early stoppage of work; and (8) Non-payment of overtime, if there is no work and the equipment/craft are idle.

15. So far as the matter of notional booking prevalent at the ports is concerned, it has been stated that a practice had developed in certain ports to book cargo handling workers notionally. The men are allocated for a particular operation on paper, but not actually deployed at the work site. So, the cost of such workmen, including appropriate piece-rate incentive payable to them in the event of handling had been carried out, are charged to the stevedore. It is stated that the workers without going to the work site, earn the day's wage and piece rate based on the operation carried out by the ships crew of any other agency. It is stated that for example, at Kandla Port the gantry crane on board the container ship is operated by the ship's crew and containers are discharged directly on privately operated trailers on the quay or picked up from trailers. In such operation there is no involvement of DLB or shore workers, but it is compulsory to engage both categories of workers. It is stated that at the modern container terminal equipped with specialised shore gantry crane operated by workmen under the mechanical Engineering Dept., DLB gang was required to be requisitioned by the steamer agents and pay for them, even though the men were never present at the container berth. It is stated that following merger of Dock Labour Board with the Port with effect from 01-06-2001 this practice could be eliminated. It is further stated that at Haldia, workers have to be booked on vessels carrying dry bulk iron materials handled using grabs or

magnets and it is incumbent to book persons on board as well as on shore irrespective of necessity and to pay piece-rate incentive on cargo discharged or shipped, even though not touched by the men booked. In this view of the matter, it is prayed that an order be passed to totally eliminate the practice of notional booking now being resorted to and not to pay any piece-rate incentive to those who are not present at the work site or remain idle at the work site and deployment should be strictly need based.

16. Dealing with the uniform manning scales for similar tasks at ports, it is stated that all the ports developed relevant facilities to enable any in-house maintenance of the ports' marine and shore facilities, equipment and services. It is stated that practically at all ports separate staff are earmarked to undertake maintenance work and equipment and craft maintenance is the responsibility of the Mechanical Engineering Dept. which employs large number of staff for this purpose. It is stated that at few ports staff operating plant and equipment and craft themselves attend to minor breakdown and also supplement the maintenance staff at the time of major breakdown and also for overhauling and survey repairs when not working and at most of the ports operating staff refuse to be involved in maintenance and remain idle during down time. It is further stated that most divisions of the Mechanical Engineering Dept. are over-staffed, excepting those for modern specialities, such as electronics and hydraulics. It is stated that as per the practice developed only at Chennai and to some extent at Cochin Ports concentrate on preventive maintenance and that is follow up maintenance schedule drawn up by the manufacturers, whereas the ports like Mumbai and Calcutta rely on break-down maintenance, viz. only when the equipment stops functioning. It is stated that in the past, specially the older ports, had installed cranes, wharf in addition to yard cranes. These cranes do not meet current cargo handling needs, which require higher capacity and capability to handle a greater variety of cargo classes. It is stated that poor serviceability and uncertainty of port cranes prompted the steamer agents to more and more avoid use of port cranes and depend on the ship board cranes/derricks. It is further stated that today's vessels are equipped with lifting gears of higher capacity, which gives higher output and the port users are now depending on private mobile cargo handling equipment in preference to port owned equipment, because of low productivity of port owned equipment or uncertainty of their availability. It is further stated that, however, at a few ports like Calcutta, Cochin etc. outside equipment is not permitted by labour unions for handling cargo within the port, except for containers, even when port equipment is not available. It is stated that containerisation has changed the earlier concept of handling 100% general cargo traffic in break bulk form and at most of the ports containers are handled by ship-board cranes. It is stated that tractor trailers for horizontal movements on the ground, cranes for loading/

unloading, the trailers, fork lift trucks for stuffing/destuffing of containers etc. are provided by private contractors at most of the ports. It is stated that change in cargo pattern or packaging has brought down steeply the need for wharf and yard cranes, mobile cargo handling equipment etc. It is stated that only a limited number of higher capacity cranes have been acquired off late by a few ports and there has also been a marked increase in the use of equipment supplied by outside contractors in recent times at the ports where use of outside equipment is allowed by the labourers. It is stated that the ports are progressively phasing out the equipment without replacement. It is stated that according to a statement given in the statement of claims, utilisation of the port equipment is extremely low, which is mainly due to reluctance on the part of the port users to requisition port equipment because of the poor productivity and lower capacity and they would rather prefer private equipment and or ship-board equipment. It is further stated that there is progressive increase in contracting out maintenance of craft and equipment. At JNPT most of the container handling equipment and craft were given out to private parties and at Calcutta port owned container cranes, tractor trailers etc. are maintained by the manufacturers. It is stated that statutory survey repairs of the most of the vessels and crafts are carried out by outside agencies owing to its failure in timely completion of repairs in spite of having elaborate infrastructure, primarily due to in different attitude of the workforce, restrictive practices, lust for overtime etc. It is further stated that the productivity of port workshops has declined owing to increasing restrictive practices adopted by the workmen, viz. refusal to work with shortage of even one person or work in another ship eventhough the job specification is the same. It is illustrated by an example that at Calcutta Port in Vessels Repair Division, there exists minute division of work amongst different categories of workmen, although the designation and scales of pay are same. It is stated that they work within watertight compartments and in this Division there are nearly 242 categories of men, some of them being in the same category and designation, but they cannot be interchanged or deployed for ship repair work. In this view of the matter, it is stated that in Indian Ports specially in the Mechanical Engineering Department employee categories is abnormally high and in cases the same craftsmen have varied designations such as—a category of employees are known by designations Carpenter, Saw Mill Carpenter, Joiner, Pattern Maker, Boat Builder, Saw Sharpner, Wood Caulker, Carpenter Grade-I etc. It is stated that existence of such a large number of categories for the same trade gives an opportunity to them to refuse work on the pretext that the designation being different the responsibility is somebody else's. It is stated that similar is the case in respect of artisans. Such categories of workmen need to be kept in a pool and deployed strictly as per requirement. It will give flexibility in deployment, optimal utilisation of man-power, elimination of idling of workmen, expedite repair and

maintenance of equipment or craft and effect economy. It is stated that it is of utmost importance and in the interest of the ports that number of categories should be reduced to the minimum. Accordingly, call for review of the staffing pattern in this sphere of activities is necessary. In this connection, it has been submitted on behalf of the management that to arrive at a reasonable and equitable manning corresponding to the workload, it is imperative to have a detailed study by a competent agency using the scientific method like Time & Motion Study, O & M Study etc. and it is prayed that the Award should refer the man-power assessment of Mechanical Engineering Dept. of the Port to an expert agency so that the agency considers all the aspects and submits its report in order to facilitate the deployment of the workmen for similar kind of work without compartmentalisation. Similarly, it is stated that at certain ports like Calcutta, Paradip and Chennai etc. Mechanical Loading Plant has been installed for loading coal and iron ore and the plant comprises Tipplers for mechanised unloading or loaded wagons, Stackers for stacking of materials at the storage area, Belt Conveyor net work for carriage of ore or coal from one point to another, Reclaimers to recover ore/coal from the stockpile and put on the Conveyor Belt and Ship Loaders for loading the ship. It is stated that at Mormugao, ore is received by barges and, therefore, instead of Wagon Tippler, there are Barge Unloaders. It is stated that number of Tippler, Stacker, Reclaimer, Ship Loader and belt length vary from port to port. In this connection, it is stated that so far as the Wagon Tippler is concerned, it is operated by pressing electric button and tippling of wagons depends on the availability of rakes and, therefore, the work is intermittent in nature, but reliever has to be provided in 8 hours shift to the Operators, the number of which varies from port to port. It is stated that at Visakhapatnam for handling 9.2 million tonnes iron ore, 1 person relieves 3 Operators of 3 Tipplers in a shift, while at Haldia with a traffic less than 4 million tonnes, 100% relief is provided per shift. It means that each Operator works for 4 hours only and same is the case in respect of other equipments, such as, Stacker, Reclaimer and Ship Loader. It is stated that at Mormugao Port also 100% relief is provided. It is also further stated that at Haldia due to unreasonable demand for more posts and the management succumbing to pressure of unions has led to large manning and in the shift separate maintenance staff are booked to attend to breakdowns, though they attend to minor repairs only. It is stated that in case of major breakdowns, they simply remain idle alongwith the operating staff and leave the work to be done by the general shift staff, which results in excessive down-time and idling of vessels incurring heavy losses and increase in the port cost. In this view of the matter, prayer has been made that in the Award the matter should be referred for man-power assessment of the Mechanised handling Plants for dry bulk cargo to an expert agency.

17. Similarly, the case of Port Railways has been dealt with. It is stated that this Port Railway exists at Kandla, JNPT, New Mangalore, Tuticorin and Cochin. These Ports have provided the railway tracks, but it is operated by the Indian Railways. It is stated that at Mormugao recently a substantial capital investment has been made for rejuvenating its railway system, while at Calcutta and Mumbai over the years the traffic has steeply declined and the trend is continuing. It is stated that each of these two ports is losing to the extent of 10 crores annually, as such, continuance of these 2 Port Railway System is presently under consideration. It is also stated that Port Railways at Visakhapatnam, Chennai, Haldia and Paradip are handling substantial rail-bound traffic and volume of railway traffic handled at these ports in 1999-2000 vis-a-vis the deployment of staff for this activity is like this. It appears that the length of Railway Track at Calcutta happens to be 78 Kms. and the total man-power deployment is 490; though traffic in million tonnes is 0.43. At Haldia, the length of tracks is 105 Kms. and the strength of deployment is 617. The traffic in million tonnes is 10.37. On the other hand, the length of railway track at Paradip is 65 Kms. only and the deployment strength 292, but the traffic in million tonnes is 12.04. Again, at Visakhapatnam the length is 233 Kms. and deployment strength is 924 and the traffic in million tonnes is however 26.45. At Chennai, the length is 69 Kms, deployment 714 and traffic 17.30. At Mormugao, the length is 11, deployment strength is 131 and output is 1.82. At Mumbai, however, the length is 110 Kms. and the deployment strength is 624, but the output is 0.85 million tonnes only. In this view of the matter, it has been suggested that the system requires reassessment and a prayer has been made that the question of reduction in port railway staff at Calcutta, Haldia, Chennai and Mumbai corresponding to the traffic handled, track kilometerage and the number of locomotives and elimination of restrictive practices effecting the railway working should be considered.

18. So far as Dry Docks are concerned, it is stated that there are Dry Docks available at several ports and so far as deployment of personnel in the Dry Docks are concerned, it is not uniform and in accordance with the workload. The result is that many of the workmen remain idle for most of the time. It is because of the restrictive practices as stated above. It is stated that compulsory booking of around 25% of the staff on Sundays and holidays on payment of overtime at double rate, even if there is no work is made and if any vessel repair is required on closed day, all workmen have to be booked, irrespective of the work requirement. It has been illustrated by giving the details of the number of vessels, number of days occupied and number of days worked for and it is stated that for locking/unlocking operation for 27 vessels during 2000-01 only on 54 occasions deployment of full set of staff was necessary. It is stated that at N.S. Dry Dock, following an agreement

with the labour unions in recent past, Lascars were recruited at N. S. Dock with the condition that they would work at both the places, but it was not allowed to be done by the workmen. So, it is proposed that a common pool of workmen should be maintained for K. P. Dry Dock and N. S. Dry Dock since common seniority is observed for promotional purposes and they should be deployed at either of the working areas depending on the work requirement. It is prayed that there should be reduction of staff of Dry Docks at Calcutta and staff should be allowed to remain in a pool and work at K. P. Dry Dock and N. S. Dry Dock as per the deployment. It is also further stated that there should be no automatic booking on holidays and Sundays and only in the event of job requirement, the officer in charge should decide the number of workmen required for reporting on closed days in exigency of work. It is also prayed that the payment of consolidated allowance of 12.5% should be discontinued.

19. Regarding Lock Gate machinery, it is stated that Calcutta and Mumbai are the only two ports in the country having impounded dock systems with the lock gates preventing flow back of dock waters during ebb tide. It is stated that each dock system is provided with a lock entrance comprising the lock barrel through which the vessel enters or exits. It is stated that there is provision of Mitre Gates/Sliding Caissons across the barrels preventing flowing out of water from the docks and there are penstocks for closing/opening culverts for syphoning waters to adjust water level inside the dock barrel. There are also machineries for hauling caissons, capstan etc. It is stated that at Calcutta Dry Docks being adjacent to the respective lock gates, the Dry Dock Caissons are operated and maintained by the same staff. It is further stated that at Haldia exclusive staff are deployed to operate haulage machinery at the Lock Gate Complex and Mumbai separate set of staff are deployed for Dry Docks and Locks, distance being considerable. It is stated that Calcutta not only has a large workforce; rather, there are other issues needing attention. It is stated that movement through locks have declined substantially following a steep fall in traffic and practically disappearance of boat traffic. It is stated that at Calcutta in recent years drive systems have been replaced, penstocks renovated, new oil hydraulic/electric capstans installed, trimmer blocks procured under modernisation schemes. This naturally calls for review of the man-power. It is stated that another constraint is too many classifications and categorisation of workmen engaged in dock operation and maintenance and persons with same qualifications having similar nature of job operate in separate sub-groups. It is stated that interchangeability or transfer even against casual absence is refused by the employees backed up by the unions. It is stated that various restrictive practices developed over the years further prevent rationalisation and optimum utilisation of staff which is imperative to reduce the operation costs. It is stated that in view of the

present financial condition of the Calcutta Port, it is imperative that the minimum strength of staff is maintained. In this view of the matter, it is prayed that Award should be passed to reduce the staff operating and maintaining the Lock Gate at Calcutta Port and their classification and categorisation, so that the persons with same qualification having similar nature of job can be interchanged or transferred between sub-groups for rationalisation and optimum utilisation of staff.

20. Considering all these, the prayer has been made like as follows :

- (1) Stop all restrictive and unfair practices, such as, (a) employees having similar nature of work cannot be held in a pool as job classifications are strictly demarcated in separate specialised sub-groups; (b) transfer from one sub-section to another cannot be effected; (c) demand for booking on Overtime of staff more than requirement; (d) demand for additional allowance for carrying out jobs which are part and parcel of the duties attached to the posts; (e) booking of reliever at the ratio 1 : 1; (f) refusal to deployment of multi-skilled operators; (g) not reporting on time and early stoppage of work and (h) continued payment of overtime even if there is no work at the equipment/craft are idle.
- (2) To discontinue all kinds of notional bookings in practice at various spheres of activities, but there should be deployment of workmen on the basis of requirement and payment of piece-rate incentive to those employees who are either not present at the work site or remain idle at the work site should be stopped.
- (3) To refer the man-power assessment of the Mechanical Engineering Dept. of the ports to expert agency to carry out a scientific study with the help of the time and motion study, work study, O & M study etc. and to assess the actual requirement of workforce. It should be made clear that the recommendation of the expert body should be binding.
- (4) Workmen with same trade and performing work of similar nature should be held in a common pool and freely deployed as per need and also to abolish the existing compartmentalisation of work concept.
- (5) To refer the man-power assessment of the Mechanised Ore and Coal Handling System to an expert agency to assess the actual requirement of man-power. In this case also the recommendation of the expert body should be binding and there should be discontinuance

- of the 100% relief for the Operators and minimum ratio existing at the ports having such plant be adopted.
- (6) Reduction in port railway staff corresponding to the traffic handled, track kilometerage and elimination of restrictive practices.
 - (7) Operating staff should also carry out the repair and maintenance work when the plant or craft is not working.
 - (8) Reduction in Dry Dock staff at Calcutta Port. Staff to remain in a pool and designations to be ignored for the purpose of deployment, either at N. S. Dry Dock or K. P. Dry Dock at Calcutta. Also the workmen with same trade should be allowed to be deployed from one sub-section to another and compulsory booking of staff on Sundays and holidays on O.T. to be discontinued. The principle should be O.T. booking to be strictly on the basis of necessity and requirement. It is also prayed that consolidated allowance of 12½% should be abolished with immediate effect.
 - (9) Rationalisation and reduction in manning strength of Lock Basin Machinery at Calcutta Port.

Statement of claims on behalf of the management has been filed in two separate volumes giving out the minute details and attaching several annexures by way of references.

21. On the other hand, all the 5 Federations have filed their separate written statements and some of them have also attached several documents by way of annexures for reference. So far as Federation No. 1, i.e., All India Port & Dock Workers Federation (AIP & DWF) is concerned, it has filed a detailed written statement after giving out the circumstances under which the reference has been made. It is stated that even though the National Tribunal was constituted for the purpose of determining the manning scales and deployment of manning pattern in certain ports like, Mumbai, Visakhapatnam and other ports, man-power has been unilaterally reduced and manning scale are being disturbed against the provisions of the Industrial Disputes Act and the Federation has strongly resented it and claimed intervention. It is also stated that there was a Wage Revision Settlement on 6-12-1994 in which both the parties had agreed to make joint efforts in all the spheres of port activities for improving the parameters of judging the port performance like, gang shift output, ship berth day output, so as to achieve reduction in turn round time of vessels. It is stated that for achieving this objective and optimising the available man-power of port equipment, increasing productivity, reducing costs, joint effort was to be made continuously by all the parties in various areas and in fact,

in several ports joint efforts were made and productivity level improved, turn round time reduced, which even the World Bank acknowledged in its report. In this view of the matter, it is stated that these are the steps to be taken on continuous basis, whether wage revision or not, in the interest of the development of the ports and the Federations have been cooperating and will definitely cooperate for joint efforts. However, it is stated that the management was adamant on their demand of man-power reduction and in course of settlement of wage revision in the year 2000 a clause, namely Clause No. 35 was introduced in which it was suggested that the matter should be referred to the National Tribunal and accordingly the present reference has been made. It is stated in this connection that it is true that proximity to natural hinterland, accessibility, port capacity, port efficiency and minimum transportation cost play a vital role in selecting the ports for the ship owners, but it is not true that the two main components of the operational efficiency of the port are performance of its employees and the efficient use of equipment only. It is stated in this connection that the performance of employees has increased tremendously if the comparison is made regarding turn-round time and ship berth day output during the last 20 years. It is stated that the role of employees is predominantly required for efficiency and reduction of port cost, but the employees have done their best. It is stated that there are several other most important factors which determine the efficiency of the port depending on which the shipping lines select the ports to call, which are (a) Pre-berthing detention; (b) Inability of the port to accommodate and handle giant carriers of 5 Lakh DWT with adequate draft; (c) Less bureaucratic and customs procedures; (d) After unloading of cargo, fastest despatch to the consumer either by road or rail; (e) Reasonable port charges; (f) Treating the customer with respect and courtesy; (g) Optimising the infrastructure by minimising the distance between the terminals and sea; (h) Replacement of 'first come first served' 'by first planned first served' to avoid problem in storage; (i) Introduction of electronic data interchange for the planning of cargo handling to enable the shippers and transport companies to obtain instant information on the status of their goods; and (j) To speed up the whole transportation process by organising the whole process from one central point and by making use of one or more different modes of transport integrated in one transport line, the goods can be delivered at the door of the receiver quickly and cheaply. This system is now a days called 'intermodal'.

It is stated that if the Indian major ports have to survive and to compete with the world ports, the above steps are inevitable and the role of employers in the above steps are most important and there is no role of the employees in it. It is stated that labour can make a difference and contribute to the productivity improvement only, if they have control over the work they do. It is stated that

the port charges in Indian ports are the lowest when compared with the developed ports in the world and the wage of Indian port workers are also the lowest when compared with the wages of the port workers in developed countries. It is stated that in majority of the international developed ports, port charges revised upward for 3 to 4 years, whereas in our ports charges are revised once in 8 to 10 years. It is stated that the Tariff Authority appointed for the purpose of determining port charges has no control over the minor ports in India and also B.O.T. Operators to fix reasonable port charges. So, blaming the workers for cost situation is totally unwarranted. It is stated that the cost per ton in Indian Ports is between Rs. 60 to Rs. 80, i.e., less than 2 dollars and we have yet to see a port in the world with such a low cost. So, it is suggested that a suitable and scientific mechanism in order to fix the port charges should be developed with mutually accepted principles. The Federation has also commented upon the various paragraphs of the statement of claims of the management. It is stated that regarding the points of claim that the ports of Bombay, Calcutta and Madras are the oldest ports having come into existence during the regime of East India Company and after a long period after the advent of the British Rule, administration of these Ports was carried on by the local government. However, it was in 1921, after the introduction of the Montagu-Chelmsford Reforms that the 3 ports came under the direct control of the Central Govt. with effect from 1st April, 1937, but the Port of Calcutta continued to be administered by Port Commissioners under the Calcutta Port Act, 1890 and the ports of Bombay and Madras by Port Trust under the Bombay Port Trust Act, 1879 and Madras Trust Act, 1905 respectively. It is further stated that Visakhapatnam Port became major port in 1936 and was administered by different departments of the Government of India in different times. Cochin Port was originally under the administration of the Government of Madras and after it was taken over by the Central Government in 1973, the Ministry of Transport was placed in charge of its administration. Again, Kandla Port ever since its project stage in 1955 was administered by the Central Govt. as a major port and Mormugao Port was under the W.I.P. Railway until it was taken over by the Portuguese Junta Administration in 1961 and after liberation of the Portuguese territories, it came under the administration of the Central Government. It is further stated that after the Major Ports Act, 1963, Port Trusts were formed in 1964 for some ports and the ports were considered as major ports in India. It is also further stated that there was a Royal Commission on Labour and on its report to the Government of India in 1931 recommended for decasualisation of dock workers so that regular employment could be provided to them to the extent possible and action on the recommendation was taken in 1948 after independence when the Dock Workers (Regulation of Employment) Act, 1948 was passed. Act provided for registration of Dock Workers under schemes framed thereunder and also

contemplated constitution of Advisory Committees to implement the schemes and accordingly schemes were framed for Bombay Port in 1951 for Calcutta Port in 1952 and for Madras Port in 1954. It is stated that the schemes set up tripartite advisory committees which came to be called Dock labour Boards. It is further stated that similar Dock Labour Boards were constituted in Visakhapatnam and Cochin Ports in 1959 and Dock Labour Board of Mormugao and Kandla were formed in 1956 and 1968 respectively. However, there was no Dock Labour Board at Paradip, New Mangalore, Tuticorin and JNPT. It is stated that the primary duty of Dock Labour Boards is to register or list workers and supply them to various registered or listed employers for handling cargo. It is stated that the schemes formulated under the Dock Workers (Regulation of Employment) Act, 1948 guarantees wages to workers for a specified minimum number of days and provided for payment of attendance money and disappointment money to workers on other days. It is further stated that Dock Labour Boards also extended to the workers other benefits like leave with Wages, Weekly off, Provident Fund, Gratuity, housing, medical and other welfare activities and the fund required for meeting the expenditure on the items are collected through a levy imposed on employers. It is also stated that manning scales for dock workers are decided by the Dock Labour Boards in accordance with the schemes framed under the Dock Workers (Regulation of Employment) Act. Standing Orders of various Dock Labour Boards also clarify the position. It is stated that during the period from 1921 to 1946 man-power was recruited by the highly authoritative British Government officials basing on the local requirements of the port and they could not be considered irresponsible. It is stated that further during the period from 1946 to 1963 manpower was decided basing on the Awards of various Industrial Tribunals, bilateral and local level settlements which had statutory backing and also recommendations of special enquiry committees. However, after the formation of the Port Trusts Boards, the posts were sanctioned by the ports in accordance with the provisions of M.P.T. Act and in some cases by the heads of the department and senior Class-I officers of the Government of India. It is stated that thus manpower was inducted into the ports with the clear approval of the Government or Boards appointed by the Government. But, however, during the course of time, manpower was drastically reduced in all the ports depending upon the technological changes in the maritime world and the surplus manpower in certain ports like Bombay and others were sent home under V.R.S. Schemes to the extent nearly 10,000 during the period 1999—2001. It is stated that the ports like Visakhapatnam, there is acute shortage of manpower on account of unjustified abolition of about 1700 posts in dictatorial manner violating the Government Orders and without permission of the Board. It is stated that several posts in Visakhapatnam Dock Labour Board which are required to be followed statutorily were kept unfilled.

losing crores of rupees in the form of levy to the Dock Labour Board and it is also stated that inspite of the constitution of this Tribunal the port authorities have been unilaterally disturbing the manning pattern.

It is stated that after accepting the recommendations of Shri P. C. Chowdhuri, the Government of India announced their decision to set up another committee to undertake the work of classification and categorisation of Class-III and Class-IV posts in major ports and pursuant to this decision a committee was appointed in August, 1958 to examine the duties and responsibilities of the various Class-III and Class-IV posts in major ports and to fit them into one or other of 18 classified scales of pay in the light of the scales of pay of posts which comparable duties and responsibility in other departments of the Government. It is stated that though the committee was permitted some latitude to break up or elongate the scales, it was tied down to these specific scales; nevertheless, the committee could not help devising a few additional scales. It is stated that this committee popularly known as classification and categorisation committee happens to be an important landmark in evolution of pay scales as it was tripartite committee composed of independent members, representatives of Port authority and representatives of labour and was presided over by an independent Chairman, Shri F. Jeejeebhoy and most of the decision of the committee were accepted after deliberation for nearly 3 years, but unanimously. It is stated in this regard that thus duties and responsibilities of every post were decided by this committee and subsequently by the Boards for the posts created after 1963. So, it is not all true that over the years several restrictive practices have developed and it is wrong to say that port labours resisted reforms; Rather, it is the management which has adopted several unfair labour practices. It is further stated that as per agreement dated 06-12-1994 it was provided that "to match the fast changing technology and to improve work practices, joint efforts would be made continuously by all concerned parties, to improve port performance and mutually cooperate to ensure to increase in productivity level by at least 7% per year, with 1993-94 as the base year except for the reasons beyond the control of workers, the above will also apply to managerial functions." It is stated that so far as the workmen are concerned, they discharged their duty and increased productivity beyond 7% inspite of gross negligence on the part of the management to improve the working conditions, denial of legitimate benefits and non-implementation of several clauses of the agreement. It is stated that figures of cargo throughput, turn around time, berthing output, preberthing detention of the base year and the previous year will substantiate the statement of the federation. It is stated that it has become a habit of the management to blame the labourers to cover the mistakes of the management and none of the productivity parameters could have been achieved without the cooperation and toil of the labour.

It has been stated on behalf of the Federation regarding the traffic and its handling that a misleading picture has been presented by the management as if all major ports are one entity and one unit. It is stated that the geographical location, tidal conditions, cargo mix, number of berths, type of equipment, managerial practices, allotment of work vary from port to port and in order to have a clear picture individual port has to be studied to know the truth. It is stated that even according to the claim statement, throughput of all major ports increased to 271.91 million tonnes, far beyond the targets fixed by the Ministry of Shipping. However, it is a fact that this throughput was achieved which is disproportionate to inputs to infrastructure. It is stated that this was possible only due to the extra efforts put by the workers in most adverse conditions like failure of equipment due to improper maintenance on account of non-supply of spares and reduction in manpower. It is stated that in case of P. O. L. only marine categories were employed and no other category was engaged. It is further stated that in case of iron ore, even though mechanised plants are in existence in ports like Chennai, Visakhapatnam and Goa, only bare minimum number of operational and maintenance staff are posted and it is pertinent to state that the original Government sanction for mechanical ore handling plant in Visakhapatnam was 1300 posts, but the present strength is 800 only. It is further stated that in the case of thermal coal, due to shortage of dock workers, private pools are being operated and it is clearly a case of violation of Contract Labour Abolition Act. It is also further stated that computerisation is also not fully implemented and the work is entrusted to private people in several ports. Thus, inspite of reduced man-power and work-force, higher throughput was achieved in much adverse conditions and, therefore, the claim of the management in this regard has been denied.

So far as the claim regarding workmen and the activities in Indian Port is concerned, it is stated that starting point of the 11 major ports is not the same. Whereas ports like Mumbai, Calcutta and Chennai as also Visakhapatnam came into existence prior to independence, the other ports came into existence subsequently and hence the designations and categorisation committee streamlined the job classification. The shift hours and manning scales were decided by the management depending on the local port conditions with great forethought, as otherwise, if the working hours and manning scales are prescribed as suggested by the claimant, more number of workforce is required. It is stated that in Mumbai marine categories were in 12 hours shift and thus one shift staff were saved and if Mumbai followed 8 hours shift like Visakhapatnam, Chennai and Paradip etc., the staff for three shifts are required. In connection with need for rationalisation and uniformity in operation, it is stated that the conditions vary from port to port. Such conditions are location, latitude, tidal condition, permissible LOA and draughts at entrance channel,

berthing facilities, storage cargo handling equipment, dredging, marine crafts, including distance from the anchorage point to berthing point, maintenance system, type of cargo, engagement of private operators, allotment of work in 8 hours or 12 hours shift and procurement of stores spares etc. It is stated that under the above variable conditions it is impossible to maintain uniformity by any stretch of imagination and even giant shipping lines who operate in several ports of the world employ workforce depending on the local port condition in each country they operate. It is stated that in this view of the matter, the concept of uniformity in operation is totally denied and any such idea will be counter productive. It is also denied that it is against the key term of reference.

Regarding the claim No. 1, i.e., unification and rationalisation of cargo handling workers and fixation of manning scales based on actual work requirement as well as also abolition of gang concept and cargo categorisation, it is stated that the claim is totally wrong and counter productive. It is stated that the concept of gang is prevalent in several ports throughout the world including ports like Rotterdam. It is stated that the idea behind the gang concept is that there will be cohesion, mutual understanding of strength and weakness of co-workers in the gang and their mental attitudes which contribute to productivity. It is stated that when team members support each other, they will be receptive to innovative and creative ideas and will have the willingness for accepting changes. It is stated that it is possible through open communication, wherein the exchange of ideas is free and frank and such an establishment of unique bondage among team members will have a constructive impact on the morale of the organisation and nature of team culture. It is stated in this connection that to the Japanese, team work is as natural as breathing and in India, there are many firms that are following this team-based organisational culture. It has been stated that the gang system is a team work which has some advantages like as follows : Clear understanding of the organisational goals, objectives and the group norms; Open communication among the team members; Periodic examination of the insider-outsider view to help, guide and clarify issues; Balance among team members by having a sense of high team ownership; Continuous encouragement and support extended by the top management to stick on with the efforts taken by the team members; Minimum number of members forming a team to reduce the complexity and internal competition and also to quicken the decision making process; Giving total autonomy in the decision ownership to the team in the assigned work; For getting the hierarchical ranks while working with a team thereby avoiding internal conflict; Willingness of the team member to face conflict and trying their level best to avoid it; Encouragement of constructive evaluation (feed back) of each members' contribution to the team work by periodic presentations of performance; and Daringness to take

initiative in trivial situations and overcoming resistance when pressures from environment build up. It is stated that the organisations that are sensitive to patterns of technological changes aiming at global market industrial development have to tread new path of team work approach.

Regarding the manning scale in Dock work, it is stated that elaborate studies were made by various judicial commissions and basing on their reports manning scales were fixed in some ports. In other ports, the management fixed the manning scales in consultation with the users of the port and concerned unions. Under any circumstances they cannot be uniform since the cargo mix and cargo handling equipment vary from port to port. It is stated that it is not out of place to mention that manning scales are being reviewed by the management whenever there are technological changes, type of handling equipment in consultation with the unions. It is stated that this is not a one time exercise and to finish the chapter; rather, it is a continuous process depending upon the changes that take place in ports. Therefore, it is stated that modification in the manning scales require mutual discussion at port level and acceptance by the parties concerned. This way the claim of the management is denied.

Regarding the claim about manning scales of various types of equipment and mechanical handling plants and fixation of number of relieving operators in a shift for cargo handling equipment, it is stated that the type of capacity of the equipment and their uses vary from port to port and also within the port depending on the nature of work and hours of work. It is further stated that mechanical handling plants have different capacities in different ports, e.g., conveyor belt at Visakhapatnam O. H. E. is the longest in South East Asia, whereas in Chennai and Goa the length is not that much. It is stated that the supporting equipment and manning are different which were fixed by the management and the Government with the advice of the technical experts, hence this cannot be made uniform in all ports. So far as the relieving operators is concerned, it depends on the nature of work, timings and staff strength and their manning is determined in each port by the management. So, uniformity is meaningless and there should be a relieving system, which should be continued.

Regarding the manning scales for operation of various floating crafts engaged in marine activities is concerned, it is stated that marine operations play a vital role in any port and due to geographical location of the port, their tidal conditions, wind direction, distance from anchorage and pilotage points, there are different working hours and conditions, in horse power of the marine crafts, different manning scales were fixed in different ports, to suit the local conditions and any attempt to bring down the manning scales in the name of uniformity is suicidal. Hence the claim of the management is denied.

So far as discontinuance of notional booking and other restrictive practices are concerned, it is stated that the concept of notional booking was introduced by the management to protect the emoluments and piece-rate earning of the workers who were redeployed on other works consequent on any change in the method of cargo handling. It is stated that the notional booking does not mean that the workers sitting idle have to be paid; rather, in place of work 'x', they are doing work 'y' and thus it is stated that even the wage settlement of port and dock workers is notional from 1-1-1997 and effective from 1-1-1998. Hence the notional booking cannot be discontinued and the workers should not be put in financial loss by discontinuing notional booking.

So far as the claim regarding the manning scale for other similar activities is concerned, it is stated that for all works, whether ministerial, operational, maintenance or supervisory, posts are sanctioned either by the Boards or the Government depending on the nature and quantum and classification of posts and accordingly this claim is denied. It is stated that there are number of cases where the management appointed people even in higher grade when there is no necessity for consideration best known to themselves. It is stated that bird song in the IPA claims petition is that the manning scales in all the ports for various operations may be confined to the lowest in a port. It means that irrespective of all considerations about various differences inherent in various port structure and its operations as mentioned above. It is further stated that to take the lowest figure available for all the ports as appropriate manning scale is an indication of the attitude of the management without justifying in any manner in absence of any proper analysis. It is stated that it is ridiculous to say that the manning scale of Bombay Port Trust should be equal to that of Mangalore Port Trust and that of Calcutta Port to Tuticorin Port. The management has evidently not gone into any type of exercise why the manning scale should be so fixed as per the norm of minimum available in a Port per operation. It is stated that the terms of reference calls for a justification for such uniformity, but the claims have not been put forward in such justification. It is stated that the important point in arriving at a manning scale is the type of equipment, its age, usage and operational resorts in the work environment and nothing of such consideration has been discussed in the claim statement. It is denied that the manning scales in cases have been fixed under the pressure of the unions, because in many cases the appointments have been made and posts have been created without consulting the unions. It is also further stated that any comparison with international ports requires realistic assessment of the stage of technology, method of operation and the incentives provided to motivate the workers and also certain management practices which in our country are more bureaucratic than business oriented. It is stated that the

productivity of the employees can be increased much more if there is proper streamlining of procedure and motivation of workers by building team spirit. It is further stated that the concept of notional gang or notional employment was introduced by the management only to claim extra levy from the employers rather than passing any benefit to the workers. It is also stated that the Government or the management cannot play with the lives of thousands of employees without properly first planning how they are, if at all there is excess and how they are going to be redeployed. It is stated that it is the bounden duty of the Government, when labour intensive industries are being converted into capital intensive industries, which may involve manpower surplus and the Government have to plan how they are going to be redeployed, but no such plan is being made, particularly in case of major ports. Therefore, it is suggested that the manning scales should not be disturbed and the Federation accordingly denies all the claims of the management.

22. So far as Federation No. 2., namely, All India Port & Dock Workers Federation (Workers) is concerned, it has also filed a written statement and apart from making general submissions regarding the genuineness of the claim on the part of the management and necessity of adjudication of the matter, it has been stated that the claims of the management are denied and it is stated that the claims suffer from vagueness and there is no need to prove such vagueness contended in the statement of claims, because there is no clear-cut submission on the part of the management. It is stated that the management is simply interested in reducing the manpower and exploiting the labour under the guise of rationalisation and uniformity in operation. It is stated that the management has been withholding the complete information regarding the facts and figures within the country and region, existing working and service conditions obtaining in various ports for each and every port activity, technological changes and other local conditions contributing to the performance of the jobs. It is also stated that it does not support the policy of globalisation and liberalisation adopted by the Government of India as the result of the policy is very much disastrous, anti-labour and anti-people. It is further stated that the ports are not allowed to develop according to their requirements and needs and hurdles are being created at ministry level for development of port and to run the port operation departmentally. It is stated that on the other hand, the ideas of build, own, operate and transfer are being implemented against the interest of the Port Trusts and the workers. It is stated that actually use of cargo handling equipments in the port and dock industry is not relevant to the issue involved in the reference. It is stated that man and machinery play important role in the development of port and dock industry and the conditions in respect of manpower as well as cargo handling equipments are required to be studied and noted while deciding issues

involved in the present reference. It is stated that the Major Port Trusts and Dock Labour Boards are not allowed to function as autonomous bodies, though it has been indicated in the Major Port Trusts Act, 1963. It is also further stated that day-to-day interference of various ministries obstructs the smooth and efficient port operation and the Port Trusts are not allowed to take important decisions on time because of so called guidelines and directives issued by the Government from time to time. It is also stated that the manpower in the Major Ports has been drastically reduced and it has resulted in reduction in manning scale. It is stated that though the dispute regarding manning scale is pending before this Tribunal, the management of Port Trusts have been changing the manning scale, shifts pattern, working hours, mode of computation of wages and overtime wages etc. without obtaining permission from the Tribunal. It is stated that the claim of the management that the manning scales have remained constant for the last 50 years is absolutely incorrect. It is further stated that the management has actually indulged in unfair labour practices and have been formulating the policies giving rise to wasteful and unproductive practices and it has ignored to form single Cargo Handling system in port and has allowed others to carry out similar works under different agencies in the same port. It is also further stated that it is very unfair on the part of the management not to appreciate or recognise the role of labour in the development of ports. It is stated that in many ports technological changes have not been introduced and the management is having the facts and figures in respect of cargo handling equipments, vessels, berths etc. at every port. So, if those informations are provided, it shall establish that in many ports the technological developments have not taken place to cope up with the change circumstances in the port and dock industry. In this view of the matter, it is stated that the adjudication of the issues involved in the present reference are not going to solve the purpose and resolve the real issues.

23. So far as Federation No. 3, namely, Indian national Port & Dock Workers Federation is concerned, in its written statement it has dealt with the matters raised in the different paragraphs of the statement of claims. It is stated that the contention of the management so far as factual position is concerned, is true, but the workmen submit that so far as selection of ports by the traders is concerned, the same does not only depend on cost factors, but also involve several other aspects. It is stated that the fixation of the vessels is not in the hands of the respective major ports, whereas in present scenario the shippers, exporters/importers have the choice to take vessels anywhere in India, whether major, minor or private port. It is stated that the management is not allowed to take the decision due to several constraints which are imposed from time to time by the Ministry. It is also stated that certain ports have limited

cargo for export/import and, therefore, turn round time at major ports is not fully in the hands of the respective ports due to several constraints. It is also submitted that the Indian major Ports are much cheaper in cost of service as compared to other foreign ports. It is also further stated that the profit of the major ports will reveal as to how profit per unit of capital invested has been achieved. It is also stated that the detention of the ships in the Major Ports has been considerably brought down, but in some cases due to several administrative and ministerial constraints it is beyond the control of local port authorities. The Federation further submits that the efficiency of the employees and optimum utilisation of equipments are in the hands of the managerial system. It is stated that in the last 10 years performance of major ports, employees efficiency are seen and it will appear that it has crossed all the barriers to achieve highest productivity. So far as the use of equipment is concerned, it could be seen that port equipments are allowed to remain idle by encouraging private equipment and there is no policy as to how equipments of the ports have to be used and in case of shortage private equipment should be allowed. So, it is stated that in this particular field, a conscious decision and implementation is to be taken by the management and not workmen. It is also further stated that the contention of the management is true so far as the factual position is concerned, but deployment of workers was not done on the basis of local tradition, but as per requirement from time to time. It has been stated that the slow process in the management and avoiding timely decision has brought hindrance in technological changes. It is stated that containerisation concept and its performance is known world wide, but hardly major ports have allowed to develop container related technology. Rather blind support is being given to private operators on the assets created by the ports. So far as the workmen and activities in Indian Ports is paragraph 2 of the statement of claims is concerned, it is stated that cargo handling operations are managed in the respective ports based on local conditions, infrastructural facilities and changed scenario. Regarding the need for rationalisation and uniformity, it is stated that the cost effectiveness or efficiency of the ports simply do not depend upon labour productivity and as per report of UNCTID, which is an organ of the United Nations and made the study on this subject, suggested that co-ordination between various agencies, such as, customs, ship owners, stevedores, managerial cadre of the ports, transport system and policy of the Government should be co-ordinated by the port authorities and regarding workforce, they did not suggest any reduction; rather, they emphasised upgradation skills of the workforce to handle modern technology. Regarding summary of claims, it is stated that the claims have been made in generalised manner. It is stated that the manning scale cannot be decided uniformly for all major ports and merely abolishing existing gang system and cargo categorisation cannot serve any

purpose. It is stated that such claims should be discussed with the local unions considering the local conditions. It is stated that the equipments of department have to be used first and private operators should not be allowed until port equipments are totally not available. It has also been stated that revision in manning scales for operation of various floating craft, mooring and other marine activities is based on respective sea conditions and location of harbour entrance channel for the ships. So, any manning scale in this field should be based on local sea doing requirements and not in generalised manner. It is also further stated that discontinuation of notional booking and other restrictive practices cannot be agreed in isolation as such introduction of the practices based on local agreements and incentive schemes should be allowed to continue. It is also stated that fixing of scales of deployment should be based on the port conditions including geographical location and infrastructure facilities of the ports. It is stated that no uniformity in manning scales among all the ports could be decided in this manner. Thus, the Federation has denied the claims of the management. In this connection, it is also stated that the manning scales on deck side and engine side is mainly based on type of vessel, nature of the ship, berthing/unberthing and outer stay of the ship. It is also further stated that there are several local settlements and practices which could not be changed overnight. It is stated that the basis of posting of crew members on port crafts is in accordance with N.M.D. Rule and this cannot be compared with private vessel owners, because they are used to violate the marine Rules. It is also further submitted in this connection that although marine services are almost alike at all the major ports, there are difference in geographical location, encourage point, break water, wind velocity, specific gravity of Port water, height of tidal waves and channel distance draft.

24. So far as Federation No. 4, i.e., Port, Dock & Water-front Workers Federation of India is concerned, it has also filed a separate written statement in reply to the statement of claims of the management. In this connection, it is stated that they affirm that the workers of the ports and docks recognise the need of the hour for technological upgradation, higher productivity and resources generation. It is stated that adopting the strategies practised by the ports world wide is not a novel thing to the Indian port workers and matching with the growing national economy resulting in manifold increase in import and export trade, the Indian ports have been continuously modernised with technological upgradation and as a result various concept of port work and workers have changed. It is stated that the days of head-load workers has gone for ever and with the advent of some automation for handling dry bulk cargo like, ore and coal, thousands of workers have become redundant. It is further stated that then came the fully automated ore and container berths in many major ports retaining only the maintenance crew for the machines in

the dock yard. Further, it is stated that for break bulk, from individual packages to palletised ones and then on to 40' containers, show the steep decline in the number of cargo handling workers and there has been all round quicker turn round of vessels. It is also further stated that with the tonnage of all types of cargo handled in each port increasing all the times from 51.47 million tonnes in 1965-66 to 271.91 million tonnes in 1999-2000, there has been a phenomenal increase of 526%, the total worker strength in every port dwindled year after year and from 30,000 a decade or two ago, it has been reduced to 6000 only presently. It is also stated that the Dock Workers (Regulation of Employment) Act, 1948 is now made inapplicable to Major ports and Dock Labour Boards of almost of all the major ports stand merged or being merged with respective Port Trusts. It is stated that by adopting number of strategies, such as, by natural attrition, through early retirement, voluntary Retirement Schemes etc. the total workers strength has already been reduced by nearly half during the last 10 years. It is stated that there were several recommendations by the expert bodies in this regard and based on the recommendations of these institutions and certain guidelines individual major ports had signed M.O.U. with the Ministry of Shipping for 2001-02, spelling out the mission and objectives, commitments, performing criteria and criteria weights etc. It is stated that one of the main objectives mentioned in the M.O.U. is to downsize the man-power strength by 10% by March, 2002 and secondly, to secure a net increase in the surplus revenue of not less than 10% over the net surplus achieved during the current year. It is stated that the global recession does not seem to have been taken into consideration in this regard and the impact of global recession will be felt more at the Indian Ports and much earlier too than in other sectors, but there are no safeguards for the Government. As a result all projections of prospective tonnage for the coming years will suffer. They will remain as mere numerical figures without any relation to reality until the economy is rejuvenated. It is stated that this uncertain projection cannot be a conditionality regarding productivity. It is stated that all the MOUs between each port and MOST appeared to be almost identical, merely translating the contents of the recommendations of the World Bank and other external agencies. It is stated that though the port authorities have been taking all round developments in different field, as a matter of fact, they are blaming the workers for the slow progress. It is stated that their confirmed opinion is that there is no scope for further reduction in the manning scale leading to further decline in worker strength and deployment of rank outsiders and cheap contract labour. It is also stated that the manning scale and datum line and piece rate were considered and treated as local issues all these years and all wages revision settlements confirmed it. It is stated that it was also specifically admitted in the settlement of 2nd August, 2000 in which it was stated in paragraph 35 that the adjudicator will take into account the

local conditions of each port and other relevant factors and, if need be, take the assistance of experts and also hear the views of the parties on the report of the expert before giving his Award. Therefore, it is stated that the Tribunal should take assistance of expert committee appointed by it. It is also stated that as per the terms of earlier statutory settlement, the affiliates of the five federations entered into various settlements at local level regarding manning scales, piece rate, datum etc. and they are in force. So, it is suggested that the finding of the expert body to be appointed should be discussed with these affiliates at local level and after conclusions arrived at thereon. It is stated that it has been held by the different Courts that a settlement arrived at in course of conciliation proceedings is put at par with the award made by an adjudicator. So, the Federation reiterates the legal sanctity of the local settlements on the matter relating to manning scales, datum and piece rate incentive payment arrived at under the provisions of the Industrial Disputes Act. It is stated that while they do want all the major ports to be viable and vibrant, they do not want them to become mere commercial entities running after profits all the time ignoring the social obligation to our society and social effects. It is stated in this connection that there is growth of unemployed force in the country and it has also to be taken into consideration that downsizing the workforce mean rendering people unemployed and adding to the force of jobless persons. It is stated that they are not averse to the change and to meet the demanding challenges as the country had already entered the third millennium, but we must also be conscious of the side of the workers. It is stated that presently the system of deployment of workers for cargo handling on board and on shore happens to be on the basis of gangs and also on the basis of needs and the system has been developed since long on the basis of bilateral discussions and settlements at local levels. It is stated that the gang based deployment were decided upon by the expert after detailed studies taking into account prevailing local conditions at the given points of time and subsequently many changes have been incorporated by way of rationalisation etc. to work on board the vessel and on shore adopting the concept of flexibility and need-based deployment to have the system of composite gangs for operational efficiency and improved productivity and the matter should be discussed at local level to arrive at a precise strength of workers for cargo handling operations. So far as the term notional gang is concerned, it is stated that it is a misnomer. It is stated that while accepting the new method of cargo handling and with a view to share the benefits secured by the introduction of new methods of cargo handling and to stabilise the income of effective workers, the interest of workers were safeguarded to some extent by way of notional gang and they are effectively deployed elsewhere by way of mutually agreed settlement to benefit economy of the country and to avoid considerable repercussions. So far as the claim of uniformity and

suggestions are concerned, it is stated that it is an issue to be debated at local level only since manning scale, whether minimum or otherwise, is essentially a local issue and relevant to the locally prevailing condition. So, it cannot be blindly adopted all over as a dogmatic mantra or uniform prescription without regard to specific situation. It is stated that the level of maintenance of equipment or vessels vary from port to port depending upon the supervisory and other skills available and the upgradation of port with high tech operation or age old handling has to be seen. It is stated that as a result of liberalisation, many major ports have liberalised the licensing system of stevedores without insisting upon norms like minimum gear, experienced foreman or skilled supervisors with a view to bring in competition. It is stated that it would be managerial skills which under modern conditions are necessary to use a labour force efficiently and keep it contended. It is stated that it is universally agreed that many casual employers fall short in these respects and casual employer who has come in the field due to liberalised licensing system happens to be a cause of inefficiency and decadence.

So far as the question whether for similar tasks, there should be uniform manning scale, it is stated that the task is much wider and complex and it requires analytical study by experts. So far as working conditions of the workmen are concerned, it is stated that the average age of the existing port worker is already above 40 years due to policies of the Government in curtailing/restricting the recruitment since the last decade. It is stated that there should be study by an expert body in this regard and the study should point out apart from labour issues, certain major structural and operational hindrances. It is stated that lack of managerial ability to deal with labour is also a factor to be considered and in some reports it has been stated that the port does not know the number or the type of surplus employees. It is, therefore, stated that some guidelines should be laid down to remove the hindrances if they merit consideration and suggest a basis and steps to arrive at a socially acceptable solution. It is stated that Port Modernisation Study of World Bank has also found some new job opportunities in the port related activities and this should be taken as a permanent on-going study for improvement of productivity with human resources as an important integral part of the port management.

In the circumstances, it is stated on behalf of the Federation that the Tribunal should be pleased to pass an Award allowing to continue the existing system after discussing with the local affiliates upholding the sanctity of the local settlements, if need be, with the opinion of the experts as stipulated in the terms of reference and pass an Award with regard to new methods of cargo handling and structural adjustment and accompanying social effects taking into account various conventions and recommendations of ILO which are in force. It is stated in this connection that the Federation in Ports and Docks

have always been willing to arrive at a mutually acceptable and honourably negotiated settlement and the settlements at national level in the last two decades would prove the matured collective bargaining and stand as testimony to their stand. In this view of the matter, it has been submitted that the statement of claims on behalf of the management should be ignored.

25. So far as Federation No. 5, namely, Water Transport Workers' Federation of India is concerned, it has been stated in the separate written statement that during the course of wage negotiations of port and dock workers in the bipartite wage negotiation committee, management had demanded revision of wages of port and dock workers were conditional to acceptance of several clauses like deployment of need-based workers, discontinuation of notional booking, reduction of manning scale and other such factors, but labour federations did not agree to include these conditions in the wage negotiation of the employees. Then, ultimately, it was decided to refer the matter for adjudication by the Tribunal and accordingly the present reference has been made. It is stated that it will be evident from the relevant paragraphs of the agreement that the object of referring the three issues to the Tribunal is to improve port efficiency so as to enable the enterprise to compete under free market conditions in the world market, but the strategies to be adopted for increasing port efficiency and acceptability depends on several factors such as, technological upgradation, higher productivity, resource generation, improvement of efficiency, customer satisfactory, augmentation of financial viability and adoption of enterprise culture. It is stated that the advanced countries world-wide share that the shipping services and port operations are not subjected to vagries of market force controlled by private enterprise and private investments. It is also stated that most of the investment controls and management of ports world-wide are retained by public port authority and the ports are heavily subsidised in view of the importance of ports to serve also the needs of the country's defence, but in India the Government intend to mobilise a good portion of investment for port infrastructure by way of corporatisation and privatisation. It is stated in this connection that reduction of manning scale and deployment of less workforce will provide more concession to the private enterprise operating in the port sector at the cost of economic growth and social justice. It is stated that India's major ports have recorded impressive performance in optimally utilising the infrastructure to achieve a traffic level of 271.91 million tonnes in 1999-2000, which is well above the installed capacity. It is stated that the rate of cargo throughput in terms of move per hour is lower than in Singapore, Hongkong or Rotterdam, but it is not because of slow rate of labour productivity. It is stated that it is acknowledged that Indian labour performance exceedingly well. So, what is necessary is not reduction of manning scale, but upgradation of infrastructures of port through public funding system.

Replying to the statement of claims of the management, it is stated regarding the deployment of workers for any task whether to be need based or gang based in reference to the nature of the job or cargo, one relevant point requires consideration and in many ports decision on this issue had already been reached as has been observed in the settlement dated 6-12-1994. It is pointed out that in this settlement in paragraph 26.2 it is stated that in the ports where datum and manning scales for cargo handling have been fixed after January, 1993, there will be no further revision of datum or reduction of manning scale as stipulated in this settlement, provided the appropriate norms as contained in clause 2 have been reached. It is stated that in many ports datum has been revised upward and manning scales or revision of datum in these ports may not generally be considered logical. However, it is stated that Dock Labour Boards to be merged with the respective ports may follow the suit. It is stated that manning scale of different floating crafts were fixed having regard to the local circumstances and actual requirements for carrying out operation smoothly and also to ensure prompt availability of floating crafts as per demand. It is stated that so far as tugs are concerned, both conventional and VSP, all incoming and outgoing ships are to be assisted by giving towrope. It is stated that in ports it is of propylene and as such manning scale is required. It is stated that though the management claims VSP Tugs has advanced technologically, but it does not provide any relief to the workers and workload remains the same. It is also stated that the crew of flotillas are not only operators, but they have to perform maintenance job as well, besides they perform repairs and other attending jobs to keep the floating crafts in best possible condition. It is stated that so far as optimum utilisation of equipment is concerned, it is in the hands of the managerial system. It is stated that if the last 10 years performance of major ports employees' is considered, it has crossed all the barriers to achieve highest productivity and so far as the use of equipment is concerned, it could be seen that port equipments are allowed to remain idle by encouraging private equipment. So, it appears that there is no policy as to how the equipments of the ports have to be used first and in the case of any shortage, the private equipments are to be allowed and, therefore, in this particular field, a consensus decision and implementation is to be taken by the management and not by the workmen. It is stated that in the port sector fast change in technological revolution could not be seen and the slow process in management and avoiding timely decision has brought hindrance in technological change. It is also stated that the containerisation concept and its performance is known world wide, but hardly major ports have been allowed to develop container related technology. On the other hand, the blind support is being given to private operators on the assets created by the ports. So far as the need for rationalisation and uniformity is concerned, it is stated that

cost effectiveness are efficiency of the ports and these do not depend on the labour productivity. It is stated that the claim on behalf of the management has been made in generalised manner. It is stated that the manning scale cannot be decided uniformly for all major ports and merely abolishing existing gang concept and cargo categorisation cannot help. It is stated that such claim can be discussed with local conditions and settlements with the unions. Regarding various scales of manning suggested for various categories of equipment and mechanised handling plants, it is stated that such equipments of the department have to be used first and private operators should not be allowed until and unless port equipments are not totally available. So, this matter also requires discussion with the local unions. So far as the categorisation of cargo mix is concerned, it is stated that it is decide by the management, but if there is a need for further categorisation, it should be done in consultation with the local unions. It is stated that while considering the change in the manning scales and related issues, various conditions and settlements and awards have to be taken into consideration. It has been stated on behalf of the federation that existing system should be allowed to continue as prevailing and if any change is necessary that should be effected in consultation with the unions. So, the sum and substance of the written statement of this Federation is that the matter should be allowed to be decided mutually between the management and the various unions of the workmen.

26. In response to the written statement filed on behalf of the various Federations, the management has also filed a rejoinder in order to clarify some of the issues raised in their written statement. So far as Federation No. 1 is concerned, it had stated in the written statement that the Indian Ports Association is nobody to sponsor the cause of the management as the individual Port Trusts Boards are the employer. In this connection, it is stated on behalf of the management that Indian Ports Association (IPA) is an association of employers, i.e., Major Ports and it is duly authorised as per the provisions of the Industrial Disputes Act to represent the management of the Major Ports before the Tribunal in this instant proceeding. It is refuted that the IPA is only an advisory body in respect of the Major Ports and it is submitted that Special Leave Petition No. 330 of 1997 before the Hon'ble Supreme Court has no relevance in the matter. It is stated that since inception IPA has acted as representative of the Major Ports in many matters and negotiated various issues with the Federations and has arrived at settlement relating to various service conditions of the Port and Dock workers. Therefore, such kind of plea appears to be meaningless and untenable. It is also stated that it was clearly admitted by both the parties to the settlement of 2nd August, 2000 that the issues concerned be referred to the Tribunal and, therefore, there is nothing wrong in the reference. So far as the question of productivity as raised in the written statement is concerned,

it is stated that productivity depends on various elements such as, cargo type and mix, mode of packing, unit load and its weight, type and capacity of plant and equipment used, evacuation and aggregation of cargo and manning scales for handling different types of cargo. It is also stated that with the changing technology, immense improvements have taken place in respect of the factors listed above except for the manning scale. It is stated in this regard that the various issues raised by the Federation No. 1 in its written statement in this regard is irrelevant. It is further stated that so far as issue of uniformity as raised by Federation No. 1 in its written statement in paragraph 13 and 14 are concerned, it is stated that the uniformity in the manning scale is impossible because of varying conditions from port to port and the federation has cited the example of shipping lines who operate throughout the world. In this connection, it has been stated on behalf of the management that this kind of contention is merely an argument or opinion and has no relevance in the matter. It is stated that all other kinds of allegations are emphatically and totally denied. Similarly, the management has dealt with the written statements of the other federations also and has refuted the claims and many of the statements have been categorically denied as irrelevant and baseless. So far as the question of merger of Dock Labour Boards is concerned, it has been stated that the merger is taking place and so far as the practice of notional booking is concerned, it is anachronistic at present time and has been recognised as such by the Federations also when it was included in the reference for adjudication. In similar ways the various allegations of the other federations are also denied specifically.

27. All the parties have adduced voluminous evidence, documentary as well as oral, in support of their respective stands. so far as the documents are concerned, it appears that altogether 68 documents have been listed and marked on behalf of the management. Ext. M-1 is the Memorandum of Association of the IPA and from the memorandum it appears that the association was formed and registered under the Societies Registration Act for the purpose of undertaking activities on behalf of the Major Ports and the Articles of Association includes the topics such as to promote uniformity and standardisation in port working where desirable and advantageous, to arrange and provide a forum for mutual consideration of matters of common interest and for liaison with various agencies on behalf of the member ports etc. It also becomes clear that all the major ports happen to be members of the Association and the Association has right to represent the cause of the Major Ports. Ext. M-2 is the settlement of wage revision and liberalisation of terms and conditions of employment of Port & Dock Workers at the Major ports. This agreement was reached on 31-12-1992. It was regarding wage structure and terms and conditions of employment, but no effort appears to have been made in the matter of rationalisation.

Ext. M-3 is the settlement dated 2nd August, 2000. Clause 35 of the terms deals with the productivity and economy measures and according to this clause the present reference was decided to be made. Ext. M-4 is the notification of the present reference. Ext. M-5 is a letter of the Ministry of Surface Transport to the Chairman, Calcutta Port Trust sending the notification. It does not appear to be relevant. Ext. M-6 is the chart showing the strength of officers and employees in Major Ports on 31-03-2000. Ext. M-7 is the chart showing under of employees of Dock Labour Boards, at that time 4 in number. Ext. M-8 is the chart showing existing manning scale for cargo handling activities per hook/per shift. Ext. M-9 is the chart showing existing manning scale for cargo handling activities per hook/per shift. Ext. M-10 is the chart showing existing manning scale for cargo handling activities per hook/per shift. Exts. M-11, M-12, M-13, M-14, M-15, M-16, M-17, M-18, M-19, M-20, M-21, M-22, M-23 are the similar charts showing existing manning scales for cargo handling activities per hook/per shift. Ext. M-24 is the chart prepared showing need-based manning scale for cargo handling activities per hook/per shift. Ext. M-25 is the chart showing existing relievers posted for mechanical equipment operation in addition to operator. Ext. M-26 is the proposed manning of relievers for mechanised equipment operation. Ext. M-27 is the chart showing existing manning scale for Tugs. Ext. M-28 is the chart showing manning scale for tractor type Tugs. Ext. M-29 is the chart showing existing manning scale for Survey Launch portwise. Ext. M-30 is the chart showing existing manning scale for pilot Launch port-wise. Ext. M-31 is the chart showing existing manning scale for Mooring Lauch port-wise. Ext. M-32 is the chart showing existing manning scale for Floating Cranes. Ext. M-33 is the chart showing existing manning scale for Grab Dredgers. Ext. M-34 is the chart showing existing manning scale for Hopper/Dump Burges. Ext. M-35 is the chart showing existing manning scale for pontoon Dredger. Exts. M-36, M-37, M-38, M-39, M-40 and M-41 are the charts showing proposed manning scales for different vessels and floating craft based on lowest manning scale. Ext. M-42 is the report of the Port Modernisation Study. The detailed study relating to various Major Ports and other Ports has been made in this report, which has been referred from time to time. Ext. M-43 is the Strategy Report of Indian Port Sector Published on March 3, 1995. Ext. M-44 is the report regarding restrictive/waistful practices prevalent at the Major Ports. Ext. M-45 is the report regarding system of notional booking. Ext. M-46 are the charts showing manning scale for maintenance of equipments and crafts. Ext. M-47 are the charts showing manning scale for ore/coal handling plaints. Ext. M-48 is the M.O.S. finalised on 8th February, 1996 by which various facilities were granted to the workmen and the issue of productivity and turn round time etc. was also considered. Ext. M-49 is the M.O.S. dated 2nd October, 2001 in the matter of productivity linked incentive. Ext. M-50 is a letter of the then Chairman of the Bombay Port Trust dated

3-01-1996 regarding joint efforts for improving port performance, addressed to the Secretaries of the various Federations. Ext. M-51 is the letter of the President of the Transport & Dock Workers Union, Bombay addressed to the Chairman of the Bombay Port Trust on 15-01-1996 which appears to be in response to the letter of the Chairmn, Ext. M-50. Certain issues were raised in this letter. Ext. M-52 is a letter issued by the Joint Secretary (Port) to the Chairman of IPA regarding a threatened strike of the workmen and certain guidelines to the Ports to resolve the matter. Ext. M-53 is the Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997. It concerns the Dock Labour Boards. Ext. M-54 is M.O.U. between Calcutta Port Trust and Ministry of Shipping for 2001-2002 giving out some objectives and commitments. Ext. M-55 is another similar M.O.U. between Paradip Port Trust and Ministry of Shipping. Ext. M-56 is the similar M.O.U. between Visakhapatnam Port Trust and Ministry of Shipping. Ext. M-57 is M.O.U. of similar nature between Chennai Port Trust and Ministry of Shipping. Ext. M-58 is the M.O.U. between Tuticorin Port Trust and the Minitry of Shipping. Ext. M-59 is the M.O.U. between Cochin Port Trust and the Ministry of Shipping. Ext. M-60 is the M.O.U. between New Mangalore Port Trust and the Ministry of Shipping. Ext. M-61 is the M.O.U. between Mormugao Port Trust and the Ministry of Shipping. Ext. M-62 is the M.O.U. between Mumbai Port Trust and the Ministry of Shipping. Ext. M-63 is the M.O.U. between JNPT and the Ministry of Shipping. Ext. M-64 is the M.O.U. between Kandla Port Trust and the Ministry of Shipping. Ext. M-65 is a letter of the Deputy Conservator of Mormugao Port Trust to the IPA giving out the strength of deployment on a Tug, Malini. Ext. M-66 is the chart showing the manning pattern of the various Tugs at Pir Pau. Ext. M-67 is extract of a report of the Chennai Port. Ext. M-68 is another extract of perspective plan for Indian Port Sector Provision 2020.

28. So far as documents of the Federations are concerned, it appears that two of the Federations got their documents marked as exhibits. Exhibits WA series happen to be the documents on behalf of the Federation No. 1 Ext. WA-1 is the agreement between Transport & Dock Workers Union and MBPT and MBPT Dock & General Employees Union and MBPT Floatilla Workers Association dated 8th June, 2000. It shows the manning pattern of the floatilla crew of Ratnagiri. Ext. WA-2 is a sketch map of Mumbai Port Trust by Ericson & Richards, Surveyors & Consultants. Ext. WA-3 is the Guide to Port Entry. Ext. WA-4 is the report prepared by the Indian ports Association regarding major ports in India giving out the details of the location, topography, number of berths, details of berth occupancy, break-up of traffic loaded and unloaded etc. Ext. WA-5 is the M.O.S. dated 03-03-1999 between Mormugao Port Trust and its workmen represented by the Goa Port & Dock Employees union. Ext. WA-6 is a letter sent by the Secretary of the Visakhapatnam Dock Labour Board to a member,

Shri D.K. Sarma, showing the average employment of workers for August, 2002. Ext. WA-7 is the Administration Report of Visakhapatnam Port Trust for 2001-02. Ext. WA-8 is the similar letter of Visakhapatnam Dock Labour Board forwarded to a member, Shri D.K. Sarma giving out a chart showing average employment of workers from June, 2001. Ext. WA-9 is the minutes of the meeting dated 07-10-1994 before the Docks Manager of Bombay Port Trust. Ext. WA-10 is the letter of the Mumbai Port Trust Floatilla Workers Association to the Mumbai Port Trust. Ext. WA-11 is the M.O.S. between the management of Cochin Port Trust and Cochin Dock Labour Board and their workmen represented by Port Staff Association, Cochin dated 06-06-1994. Ext. WA-12 is the Administration Report of the Visakhapatnam Port Trust. It is pointed out in this connection on behalf of the Federation that the Port Trust has shown very good financial position in this report. Ext. WA-13 is the notification of the Ministry of Labour, Govt. of India dated 8th May, 1999 prohibiting employment of contract labour in various processes in different Ports. Ext. WA-14 is Overview of the Ports by the Chairman of Mormugao Port Trust. Some references have been made regarding some of the things stated in the charts attached to this report. It is pointed out that so far as the traffic handled at major ports and Non-Major Ports is concerned in 1997-98, the total quantity of the traffic handled in Major ports was 251.66 million tonnes and it increased to 287.56 million tonnes in 2001-02. Again, a reference was made to page 12 in which it has been stated that some comment was passed regarding the port performance and it was pointed out that it has been mentioned in this report that the detention of vessels is progressively reducing. Then the chart at page 14 has also been mentioned showing the financial performance of the Major Ports. According to this report it appears that in 1996-97 the operating income was 2654.46 crores and the same was 3601.78 crores in 2000-01. Similarly, operating expenditure in 1996-97 was 1604.97 crores and it rose to 2821.56 crores in 2000-01. It also appears that whereas the operating surplus in 1996-97 was 1049.49 crores in 1996-97, it became 780.22 crores in 2000-01. However, the total income during 1996-97 was 3171.65 crores and it was 4319.37 crores in 2000-01. Similarly, the total expenditure in 1996-97 was 2128.51 crores, which was 4348.83 crores in 2000-01. So far as the net surplus is concerned, whereas it was 1043.14 crores in 1997, it was minus 29.46 crores in 2000-01, but it rose to 78.34 crores in 2000-01. It gives a gloomy picture of the financial position of the Ports, though it is stated that the Ports have made tremendous progress. At page 17 there is a chart giving the total man-power available at Major Ports. The figures are for 1997, 1998, 1999, 2000 and 2001. The figures have been given for the different ports separately and it shows that whereas the total man-power in 1997 was 95452, it came down to 80867 in 2001.

29. So far as Federation No. 2 is concerned, altogether 6 documents have been marked and admitted into evidence.

Ext. WB-1 is a letter from Mr. Shanti Patel, one of the Trustees of the Mumbai Port Trust and JNPT to the Chairman of Mumbai Port Trust dated 22nd September, 1995. By this letter Mr. Patel pointed out to the Chairman of the Mumbai Port Trust that there was a discussion on 17th August, 1995 in which the matter regarding the strength of shore Lascars at P & V Docks, Indira Dock and Jawhar Deep of Mumbai Port Trust was discussed and it was decided by an agreement to reduce the number of strength of Lascars by 91. The position has also been shown by a chart attached to it and it has been pointed out that as per the agreement the share of the profit thus earned because of the reduction of the number of the Shore Lascars should be distributed with the workers. It has no relevancy with the present matter. Ext. WB-2 is the report prepared by the Deputy Conservator of Mumbai Port Trust regarding a meeting held on 15th October, 1996 in the chamber of the Deputy Conservator in which the officers of the Trusts as well as the employees union had participated and certain matters were discussed and it was decided to augment the strength of Shore Lascars by 96 and the matter regarding deployment on 24 hours basis was also discussed and there was agreement regarding increasing the allowance at Pir Pau and it was stated that the financial implications were to be examined separately. Ext. WB-3 is a notice under Section 9A of the Industrial Disputes Act regarding some changes to be brought about in the Mumbai Port Trust with effect from 16-08-1999 regarding conditions of service applicable to the workmen. It appears from the chart attached that it was indicated that at P & V Docks the day shift will normally work with a complement of 45 persons including 33 Shore Lascars. Ext. WB-4 is a brochure relating to MBPT in which several aspects and positions of the Mumbai Port Trust have been indicated in pictures and charts and so far as the performance is concerned it has been shown that so far as pre-berthing detention is concerned, it was 2.29 in 1996-97 which came down to 1.02 in 1997-98 and it further went down to 0.60 in 1998-99. Similarly, turn round time was 7.25 in 1996-97 which came down to 5.79 in 1997-98 and it further went down to 4.88 in 1998-99. The ship berthing-day output in tonnes has also been shown, which was 2606 in 1996-97, 2746 in 1997-98 and 2946 in 1998-99. The chart also indicates that the cargo handled was 0.509 million TEUs in the form of container, 14.30 million tonnes in non-POL and 16.67 million tonnes in POL in 1998-99, which indicates that the performance was good. Another document, Ext. WB-5 is also a brochure of the Mumbai Port Trust which highlights certain specific features of the Mumbai Port Trust declaring it as a Major Port with ISO 9001:2002 quality certificate. Ext. WB-6 is another brochure regarding new cargo handling technique-implications for port employment and skills published by the International Labour Office, Geneva. In this chart some standards of vessels operation have been given which does not appear to have significance in the present reference.

30. So far as oral evidence is concerned, it appears that altogether 12 witnesses have been examined on behalf of the management and 31 witnesses have been examined on behalf of the Federations, so far as the witnesses on behalf of the management are concerned, MW-1, Pranab Thakur happens to be an officer in the rank of the Chief Executive Officer of Indian Ports Association, an organisation representing the employers in this case. He has stated that he has idea of the workings of the major ports, though he has no actual working knowledge. He has stated that the Indian Ports Association is a registered society where all Major Ports are members. He also stated that the functions of the Association is to render common service to all the Ports and it participates and organises negotiations between the management and the employees of the Ports. He also further stated that the Association participated in the settlement dated 2nd August, 2000 on behalf of the Major Ports and a statement of claims was also prepared by the Association. It is stated that on 22nd October, 2001 the Association had signed an agreement with the labour Federations on the issue of productivity linked bonus and in December, 1994 a settlement was also signed between the employees and the Association in the matter of wage revision. The evidence of this witness appears to be on the point whether IPA has the capacity to represent the employer in the present dispute or not.

MW-2, P. Tamilbanan happens to be the Deputy Chairman of the Visakhapatnam Port Trust. According to him he worked at Chennai Port from 1981 to 1993 as Traffic Officer and at Cochin Port from 1993 to 1999 as Traffic Manager. Subsequently, from 1999 to 2001 he also worked as Deputy Chairman at Tuticorin Port Trust and in August, 2001 he joined Visakhapatnam Port Trust. He claimed that he is aware of the cargo handling operation of different Ports. According to him the main functions of the Major Ports are to provide infrastructure to the cargo ships and to render services to the trade in cargo handling. According to him from inception of the port system, cargo handling was labour intensive and everything was done manually, but due to technological developments in the maritime sector, technological implements were introduced from time to time. According to him the main components of the operational efficiency of the Ports are performance of the labourers engaged and efficiency of the equipments. According to him there are 12 Major Ports in the country, which are Calcutta, Paradip, Visakhapatnam, Chennai, Tuticorin, Cochin, New Mangalore, Goa, Mumbai, J.N.P.T., Kandla and Ennore. This Ennore is subsequent to the matters discussed for reference, because at that time there were only 11 Major Ports in existence excluding Ennore. So far as cargo handling operation is concerned, it is stated by the witness that the same can be categorised into two, i.e., on board the ship and on shore. According to him on board the ship the operation of cargo handling is done by the ship owner by engaging labour from the Ports or Dock

Labour Boards or labour pools under the supervision of the Major ports. On board the ship a gang is engaged and with the help of cranes the cargo is unloaded to the shore. So far as shore handling is concerned, he states that the Port labourers are employed excepting at Haldia, where the Clearing and Forwarding Agents handle it through their labour. The witness has stated that there are Ports other than Major Ports which handle cargo and after liberalisation in 1991, some of the berths have been handed over to private enterprises. He stated that some of the berths in the existing Major Ports have been allotted to private operators. The witness further stated that different kinds of cargo are handled by the Ports and these are bulk cargo, break-bulk cargo and container cargo. He further stated that the bulk cargo can be classified into dry-bulk and liquid bulk. The witness further explained that dry-bulk cargo is handled mechanically and manually and there are three categories of dry-bulk cargo handling, viz., mechanically, semi mechanically and manually. These are called conventional handlings. The witness further stated that terminal facilities in the Major Ports can be classified into three, viz., General Cargo Berths, Totally Mechanised Captive Mechanised Facilities and handling Containers. He stated that there is similarity in the matter of handling of cargo in all the Major Ports. According to him even after the introduction of technological advancements, there is no change in the deployment of man-power in cargo handling in the Ports. According to him the traditional gang system is still in force and, excepting at Cochin there is total compartmentalisation of the deployment of labour. According to him the shore workers work on the shore and on board workers work on board. So, he has stated that it is possible to introduce the system prevalent in Cochin in other Ports also where there has been complete merger of the Port Labour and D.L.B., which helped in deployment of composite gang, which increased efficiency. The witness further stated that there has been enactment of Dock Labour Regulation and Employment Act, 1997 which enables the Dock Labour Boards to merge with the Ports, but it has not been applicable to Major Ports. According to him if the mergers are made, it may facilitate the deployment of composite gang. According to him, prior to 1997 the Dock Workers (Regulation of Employment) Act, 1948 was applicable. The witness further stated that the gang-based deployment is in practice since the inception of the Ports and the fixed gang in some of the Ports is 12 + 1 irrespective of the type of cargo. It is a uniform position. He further stated that the composition of gang also vary from Port to Port and the existing system is not need-based. However, in his cross-examination, he has stated that there has been some change in the strength of man-power in some Ports, but it is not commensurate with the technological developments and introduction of new equipments. He has also stated that some Ports, at times, exceeded the targets also and he also further stated that some flexibility and interchangeability of work-force is

existing at Visakhapatnam, but that is also not adequate. He has also further stated that the equipments used at different Ports are practically same. However, in his cross-examination, on behalf of Federation No. 2 he has stated that the total man-power of the Major Ports presently was about 82,000 and for about last two years, fresh recruitments in the Ports are banned. He also further stated that the entire work-force in the Major Ports is governed by the productivity linked reward scheme and for last 2 years the workers have got maximum bonus of 20%. He further stated that the efficiency depends on the performance of the management also and efficiency of the workers also depends on the facilities provided to them by the management. He further stated that the workings of the cargo handling in all the Major Ports are the same, but it varies so far as efficiency is concerned. In his cross-examination by Federation No. 3, he has stated that the bulk cargo is discharged by conventional method or by grab method or by conveyer system and the containers are handled by conventional ship or shore crane and by upto-date Gantry Crane. According to him sometimes cargo is unloaded on Wagons and lorries, but presently the cargo is not loaded on railway wagons. He also stated that at some Ports the bigger ships do not enter the Port and it is unloaded outside the Port by barge and at some Ports like Calcutta, unloading of cargos are also done on floating crane. He also further stated that stuffing and destuffing is similar in all the Ports, either inside the dock area or outside the dock. He has further stated that so far as manual handling of cargo is concerned, abolition of gang system may not be feasible and in all kinds of cargo handling, there cannot be uniformity as it has to be according to the needs.

MW-3, Utpal Sinha happens to be Deputy Container Terminal Manager in the Traffic Department of the Calcutta Port Trust. He stated that he is there since February, 1976 and prior to occupying the present post, he was on deputation as Deputy Chairman, Calcutta Dock Labour Board for 4 years. He further stated that prior to that he was on this very post which he is holding presently. However, he did not work in other port. However, he has stated that he does have the knowledge of the system of cargo operations in the different Ports of the country. According to him Major Ports in India have certain fixed bulk cargo terminals, some special types of container terminal and otherwise are mostly equipped with general cargo handling terminals. According to him so far as the cargo handling is concerned, the method adopted and equipment whenever necessary for handling cargo are basically the same in nature, but as far as manning is concerned, for handling such cargo, either fully manually or with the help of equipment, there is wide variance existing from Port to Port. According to him the variance in man-power for handling the cargo operation is mainly because of legacy of cargo handling in the country, which was labour intensive. According to him due to labour practices and

management structures the variance took place and developed in course of time. He further stated that deployment of labour were strictly in compartmental fashion in the concept of gang and as a result of the lack of flexibility when the cargo pattern changes the variances do not take care of it and the variances are still in existence. The witness further stated that basically there are some changes in handling the cargo on board the ships through Dock Labour Board and in other Ports where the Dock Labour Board does not exist, the work-force on board the ship and on shore are under the control of the Port concerned with exception that at JNPT for highly technical terminal, no on board manning is required and at Haldia Dock Complex, on shore, private pool workers are deployed. The witness further stated that the basic principles of work allocation should depend on whether the cargo is handled manually or with equipment or totally by mechanical process. According to him on board the ship a category of workmen named as Mazdoor is necessary for physical handling of cargo. According to him the question of ship crane or derick operation arises when the cargo is to be transferred on board to shore or vice versa. He further stated that a category of Signalman is also required for signalling the Crane Operator or Derick Operator for safe transfer of cargo and for all supervision of on board, a category named as Tindal is required, though it is named differently in different Port such as, Sardar, Mistry, Mukadam, Morpia etc. The witness further stated that so far as shore deployment of labour power is concerned, the Mazdoors are required for handling cargo and a Tindal for supervision of cargo and work. According to him there is necessity of accountal of cargo for certain categories excepting for bulk cargo and for that account of commodity, Tally Clerk is required. The witness further stated that for sling load of cargo formation, use of Mazdoor is required as the sling has to be tied with the ship's crane or derick or shore crane for transferring to the shore. He further stated that sling load is then placed on shore for unslinging by the Shore Mazdoor and if the consignment is directly delivered, it will be unloaded on truck at that point only and if it is stacked in shed or yard, it has to be transported by the Mazdoors for that purpose. He stated that the process will be reverse in case of shipment of cargo. The witness stated that the pattern of handling of cargo is almost uniform in all the Ports and the operation cycle being the same, the need for undertaking a part of the operation cycle should be same. It is stated that for the purpose of avoiding any confusion in designation of the supervisory staff, it is proper and necessary that it should be same everywhere. The witness stated that presently there are 3 Dock Labour Boards in existence, which are at Calcutta, Visakhapatnam and Kandla. It is stated that so far as he recollects, there are 18 categories of workers at Calcutta, 6 at Visakhapatnam and 4 at Kandla. According to him whenever the cargo handling on board the ship is required irrespective of the nature and necessity of cargo,

the deployment is on gang basis, where all categories are involved. In this view of the matter, the witness opined that the system prevailing at Kandla regarding 4 categories appears to be proper and can be applied for operation at Calcutta and Visakhapatnam also for on board operation. According to him at Cochin Port Trust, there is a concept of integration of on shore and on board work and it is also interchangeable and the result is that there is composite manning. The witness stated that normally 2 to 3 hook points are allocated to most categories for cargo handling. According to him for handling break-bulk general cargo, first a sling load is formed on board by Mazdoors, then the sling is attached with the ship crane/derick or shore crane and the general cargo sling load is transferred to the shore by the crane or derick operator. Thereafter the sling load is to be unslunged on shore for subsequent stacking at the shed or yard. He said that in case of shipment of general cargo the process is reverse. The witness further stated that for handling general cargo on board and on shore the optimum number of man-power required to be deployed category-wise should be 4 Mazdoors, Ship Crane Operator or Derick Operator—1, Signalman—1, Supervisory category Tindal—1. Accordingly, he has also stated that for on shore operation, 6 Mazdoors, if required 1 Tally Clerk and a Tindal for overall supervision is required. The witness further stated that if shore crane is required, then there is necessity of 1 additional Operator. According to him for activities on shore more persons of the category of Mazdoor is required because of the nature of cargo handling than what is required on board. According to him when the break-bulk cargo is directly delivered on shore, that number of Mazdoors may not be required and only 4 Mazdoors on shore will be required. According to him in case of break bulk cargo, it is handled mechanically by Fork-lift and mobile crane etc. and the number of Mazdoors required is 2 on board and 4 on shore as per necessity. According to him it is because on shore stacking points are separate and different and so it has to be collected and for this reason more Mazdoors are required on shore. The witness has stated that the system prevalent at Cochin Port regarding interchangeability of Mazdoors on board and on shore is more practical and necessary. The witness further stated that for palletised pre-slung and unitised cargo the operation cycle is the same as are earlier explained in case of general cargo, but this group of commodity has to be handled with mechanical aid, both on board and on shore. So the necessity of Mazdoor on board and on shore should be less than what is required for general cargo and it should be 2 and 4 respectively. The witness further stated that for bagged cargo the operation cycle is also the same as for the general cargo. So far as the man-power required is concerned, the need varies so far as the number of Mazdoor is concerned. The adequate number, according to him, should be 4 on shore and 4 on board, if it is directly delivered, but in the alternative, the number of Mazdoors will be required to be 8 on shore. According to him, it is

because 4 Mazdoors will be required at hooking point and 4 at stacking point. He stated that bagged cargos are transferred from hooking point to stacking point by handcarts, but if the equipment like Fork-lift is used, then it is carried to the stacking point by that implement and thereafter it is stacked by the Mazdoors. The witness further stated that so far as the deployment of man-power for the purpose of shipping or unloading of iron and steel is concerned, the number of Mazdoor on board which is required will be 2 and on shore also 2, if directly delivered, but otherwise it will be 4. The witness further stated that depending on the shape and size of the iron and steel consignment, equipment support given is Tractor Trailer combination, Mobile Cargo Handling Crane, Yard-based Electric Crane and sometimes Heavy Duty Fork-lifts. According to the witness, so far as the handling of logs is concerned, the system is the same as in case of iron and steel consignment. According to him so far as manning of Mazdoors is concerned, it is also the same as in the case of iron and steel. He further stated that if it is directly taken by grab the number of Mazdoors on shore should be restricted to 2 only. Regarding dry-bulk cargo excepting coal and iron ore, it is stated that usually net slings and mat slings for handling such cargos are used. According to him on shore only 2 Mazdoors are required for discharge and for on board it should be 6. According to the witness for shipment of such cargo, the requirement will be 6 on shore and 2 on board. According to him in this system of loading, there is an equipment, pay loader which actually aggregates and loads and the Mazdoors only are required for slinging and unslinging. It is stated that if its equipment is given, the number of Mazdoors should be 2 and 2 only. So far as handling of iron ore coal is concerned, the pattern is the same, but the sling is different. So, according to the witness for its manual handling the number of Mazdoors required will be the same as in the case of general dry-bulk cargo. According to the witness in case of dry-bulk cargo, since the mechanical equipment is used to a great extent the necessity of involving Mazdoor is nil. According to the witness in case of dry-bulk cargo, the necessity of accountal is also not required by Tally Clerk and for all these kinds of handling Mazdoors are invariably deployed. The witness further stated that so far as handling of container is concerned, it is done mechanically. Sometimes, the mechanical aid involves deployment of Mazdoors for locking and unlocing of mechanical spreader, but in other kind of handling by shore-based Gantry Crane or Ship-board Gantry Crane which are automatically controlled, There is no necessity of deployment of Mazdoor of any category excepting for Crane Operator. The witness also stated that for stuffing operation of the container, break-bulk cargo is put inside the container pending shipment and the destuffing means bringing out the import cargo from inside the container and for this purpose man-power is required. According to the witness it is done by the Dock Labour Board and Port together and where Dock

necessity. The witness further stated that when handling is manual, large number of persons are required for handling particular cargo. He also stated that for stuffing and destuffing supervision is necessary.

MW-5, R.V.Umeshankar is a partner of the firm, United Stevedores at Chennai Port. He claimed that his Company is authorised for loading and unloading of cargo at Chennai Port and he is associated with Major Ports in India in his capacity as a licensee to handle loading and unloading of cargo. The witness has also further stated that at All India level there is a Federation of Associations of Stevedores and he happened to be the Secretary of the Association at Chennai Port. He also stated that this Federation happens to be a signatory to the wage settlement dated 02-08-2000. The witness has stated that in case of Dock Labour Board, where it exists, the role of a licenced stevedores is that they are registered employers of the workers who are engaged on board for cargo handling and payment is made by the Stevedores through Dock Labour Board. He further stated that at Major Ports where the Dock Labour Boards have merged with the Ports, the role of the Stevedores has changed and it cannot engage labourers otherwise than through the Ports. The witness has also stated that traditionally the deployment of labour used to be in gang, irrespective of the requirement of necessity and this system resulted in high labour cost for cargo handling operation and ultimately the trade has to bear the cost. According to the witness for this reason the Major Ports are becoming incompetent. The witness further stated that in his opinion there should be optimum utilisation of labour by making the deployment need based for the purpose of reducing the cost and by this the trade will benefit. The witness has stated in his cross-examination that the gang system is in existence since the inception of the Dock Labour Board and he has denied the suggestion that because of introduction of stevedores the costs have unnecessarily increased. He has further stated that after the merger of Dock Labour Board at Chennai the labour cost has gone down. He further stated that at the time of merger of the Dock Labour Board with the Port of Chennai, there was change in manning pattern, but still it is not need-based.

MW-6 is J.E. Shivaramakrishnan who happens to be Superintending Engineer (Mechanical) in the Chennai Port. According to him he is working there for last 34 years and he is fully conversant with the equipments involved in cargo handling operations and bulk cargo handling plants. The witness stated that there are three broad classifications of such equipments, i.e., general cargo handling equipments, bulk handling equipments and container handling equipments. According to him in general cargo handling equipment the deployment of technicians is one Operator per equipment. He further stated that the equipments used for this purpose are Fork-lift Trucks, Mobile Cranes, Level Lifting Wharf Cranes etc. and so far

as container handling operations are concerned, the deployment of technicians is one Operator for two equipments at Chennai, which is regarding Container Gantry Crane. According to him so far as Railmounted Gantry Crane is concerned, the deployment is one Operator for each crane and one Reliever for two cranes. So far as RTGs are concerned, at Chennai Port the deployment is one Operator for each crane and one Reliever for two cranes. The witness also stated that the deployment pattern is different in different Posts. The witness also stated that at Chennai, so far as Reach Stackers and Top Lift Trucks are concerned, the pattern of deployment is only one Operator for each equipment and this pattern is also different in different Ports. The witness also stated that on Tractor Trailers at Chennai, there is deployment of one Operator for each Tractor Trailer and one Reliever for two Tractor Trailers and on Front-end Loader there is deployment of one Operator for each equipment. The witness further stated that in Mumbai Port and JNPT, QGCs have deployment of one Operator and one Reliever for each equipment, but in Cochin, one Operator for such equipment and one Reliever for 2 equipments is prevalent. The witness also stated that so far as RTGs are concerned, at Mumbai and JNPT the deployment is one Operator and one Reliever for each equipment, but at Cochin it is one Operator for each equipment and one Reliever for three equipments. So far as Reach Stackers at Mumbai are concerned, there is deployment of one Operator for each equipment and one Reliever for each equipment. Same is the case with JNPT also. But, at Cochin, it is one Operator for each equipment and one Reliever for four equipments. He also stated that in Top-Lift Trucks at Haldia there is deployment of one Operator and one Reliever for each equipment, but at Cochin it is one Operator for each equipment and one Reliever for four equipments. He further stated that at Mumbai there is deployment of one Operator for each equipment and one Reliever for each equipment. Regarding Heavy Duty Tractor, Trailer, it is stated that at JNPT deployment pattern is one Operator for each equipment, and one Reliever for two equipments. At Haldia it is one Operator and one Helper per equipment, whereas in other Ports there is deployment of one Operator only without any reliever or helper. So far as wharf cranes are concerned, the witness stated that it is used in cargo handling from ship to shore and shore to ship. According to him at Chennai for wharf crane, there is deployment of one Operator for each equipment and one reliever for three equipments and while at Paradip and Mumbai there is deployment of one Operator and one Reliever for two equipments. He also stated that Visakhapatnam, Tuticorin, Mormugao and Kandla there is deployment of one Operator for this purpose. The witness stated that in his view for the equipment used in general cargo handling Operation, there is no necessity of reliever or helper. He also stated that so far as QGC and RTG are concerned, deputation of reliever is necessary, but it should be one reliever for two equipment.

at least. The witness said that in his opinion so far as RTG cranes are concerned, the requirement is one reliever for three equipments and for other equipments used in container handling, there is no necessity of any reliever. He also stated that there is provision of recess of half an hour to one hour to the Operators in the shift. The witness further stated that so far as basic operation of the equipments of cargo handling is concerned, it is same and similar in all Ports and in his view the manning of equipment should be the same in all the Ports. The witness also further stated that there are deployment of non-operational category of workers deputed for such equipment at different Ports and according to the witness such workmen have no role to play. So, according to him excepting for QGC and RTG, no reliever is required for the equipment. The witness further stated that the performance of equipment depends on the availability of the equipment, reliability and maintainability and in his opinion 90% availability is good performance. The witness further stated that the life of a equipment is of secondary importance and what is important is its availability. According to him at Chennai container QGC was purchased in 1983, but it is still giving good performance. The witness stated that dry-bulk cargo handling plants are available at Chennai, Visakhapatnam, Mormugao, Paradip and Haldia and the plants are practically the same. The witness stated that such plant at Chennai Port consists of Wagon Tippler, Stackers, Reclaimers, Ship Loaders and Conveyors. The witness stated that they handle iron ore and coal as far as dry bulk category of cargo is concerned and such dry bulk cargo handling operation in all these ports are same and similar. He further stated that at Chennai Port they operate and maintain the plant with 480 employees who are engaged both for operation and maintenance of the plant, but in other abovementioned Ports the situation is not the same as in those places there are separate categories of staff for maintenance and for operation. The witness stated that at Mormugao there is no Wagon Tipler available, while it is available at other plants. He also stated that at Chennai Port the pattern of deployment of such Wagon Tipler, Stackers, Ship Loaders is one Operator per equipment and one Reliever for two equipments. He further stated that in Reclaimer they depute one Operator and one Reliever. He also stated that the system of composite staff is there and it is practised in handling and maintenance of the plant at Chennai, which can be introduced at other Ports also. So, he is of the view that flexibility is necessary.

However, in his cross-examination the witness has stated that the number and capacity of cargo handling equipments vary from port to port and it is the function of the management to decide the type of equipment to be made available and the manpower required for its operation and maintenance, but unions also play role in it. The witness has also admitted that at Chennai also separate maintenance staff are maintained and at Chennai they have introduced a

separate incentive scheme for maintenance staff for cargo handling equipments and the witness is not aware whether such scheme is available at other Ports. The witness has further stated that the strength of staff for dry-bulk cargo handling equipment is almost same from the inception of the plants with minor variations. He also stated that the system of dry-bulk cargo handling is the same in all the Ports with some minor variations. The witness has also further stated that the equipment used for general cargo handling are not required to work continuously at all the Ports and the requirement of reliever is on account of intensity of work, but in general cargo handling, the equipments are not used regularly and continuously. So, according to the witness, general cargo handling constitute a small percentage of the total cargo handling. The witness has also stated that at container terminals the factors involved for the purpose of cargo handling are the type of equipment, skill of the Operator, capacity of the parking yard, distance from the ship to the parking yard and the tradition and practice. In his cross-examination the witness has stated that he has personal experience in the matter that certain decisions have been taken by the management under pressure of the unions.

MW-7, Subrata Ghosh happens to be Manager, Plant & Equipment at Haldia Dock Complex where he is working for 27 years. He claims that he is conversant with the system of coal and ore handling plants. According to the witness at Haldia they are operating both coal and iron ore plants and they have two plants, one for coal handling and another for ore handling. According to the witness in each of these plants they have got 2 Wagon Tiplers, 4 Stackers-cum-Reclaimers and 2 Ship Loaders connected by conveyer system. He further stated that in these plants they have shift staff and also general shift staff. According to him shift staff work in 3 shifts of 8 hours each and the general shift workers remain deployed from 8 A.M. to 5 P.M. He also stated that in the shifts they have various kinds of staff meant for operation and maintenance of the equipments. According to him the present strength of the staff attached to the plants is 516, who are of different categories. The witness also further stated that operation is carried out by the Operators and they have Mechanics, Electricians, skilled and unskilled category of labourers and staff. He also stated that there is 100% reliever system in these plants, but the Operator does not carry out any maintenance work. He further stated that the general shift people are standby and they carry out planned maintenance work and they undertake major maintenance and repair work. The witness further stated that Operators have two classifications such as, diploma holders and non-diploma holders. The witness stated that the present system of 100% reliever is not proper and according to him for 2 heads, one reliever is required and he stated that even if one reliever is provided for 3 Operators, it will be sufficient. In his cross-examination, he has stated that in most of the

cargo handling operations there is system of one to one reliever, but this deputation of reliever is not need-based. The witness has also stated that the deployment position is almost similar in all other Ports with minor variations and the present deployment position is on the basis of some understanding arrived at in 1984. He stated that for the purpose of arriving at agreement, some study had been made and good deal of exercise had been made and some additional concessions have been given due to pressure from the unions.

MW-8 is Captain D. K. Mahanty and he happens to be Deputy Conservator of Paradip Port Trust. He states that he looks after the conservancy of the harbour and Head of the Marine Deptt. and he is there for last 18 years. He also stated that he has not ever worked in any other Port, but he is aware of the marine activities of the other Ports as he had occasion to visit almost all the Major Ports as Deputy Conservator. He has also stated that before coming to Port, he was Captain of a ship. The witness stated that the duties of Marine Deptt. is to see the entry and exit of the vessels in the Port and for this purpose the department has to undertake certain activities. According to him first of all dredging has to be done in the channels to maintain adequate depth. Hydrographic survey is made to know how much depth is available and then for ship movement the Marine Deptt. provides pilotage service which includes towage, mooring and unmooring of ships and pollution control in the harbour. Apart from this, water is also provided to the ships and there is provision for fire fighting also. The witness has further stated that some vessels and crafts are required for undertaking the aforesaid activities. He further stated that Tugs are required for towing operation, Pilot Launch is required for pilotage, Survey Launch is required for surveying, Mooring Launch is required to carry the ropes the ships, Dredgers are required for dredging, Pollution Control Vessel is required for pollution control. The witness has also stated that some Ports have got Floating Cranes also. He also stated that these activities are similar in all Major Ports, excepting at Calcutta where there is some peculiarity where some further activities are carried out because the stretch of the river is long. The witness stated that at Ports of Mumbai and Calcutta there are lock gates under impounded dock system. The witness further stated that so far as crafts are concerned, there are two types of employees deputed, i.e., deck staff and engine staff. He further stated that at their Port they have 21 people in a Tug, including 12 deck staff and 9 engine staff. He also stated that in Pilot Launch they have 4 deck staff and 2 engine staff, in Mooring Launch they have 4 deck staff and 1 engine staff, in Survey Launch they have 4 deck staff and 2 engine staff. He also stated that at New Mangalore and Tuticorin there are 10 persons deputed on each Tug and at Chennai 4 persons are deputed in Pilot Launch. He also stated that in Mooring Launch there are 4 persons deputed at most of the Ports, but at Haldia

there are 14 persons deputed and at Bombay the strength is 10. He stated that in Tugs also at some places there are 26 persons deputed, whereas in Dredgers at Calcutta the highest number of 43 persons are deputed; whereas at New Mangalore only 16 persons are deputed in Dredgers. The witness also stated that on the deck side of the staff, they have Master, Serang, Tindal, Cassab, Lascar, Cook, Table boy, Topass and on the engine side there are Engineer, Driver, Serang, Cassab, Greaser, Oilman, Electrician etc. The witness stated that certain categories of workers are required to possess certificate of competency from the statutory authority for being posted in vessels. Such categories on deck side being Master and Serang and on engine side Engineer-in-charge and Driver, who happen to be highly skilled persons. According to the witness Lascars are deployed on shore also and they are employed in the Jetty and Berths for carrying out mooring and unmooring work. The witness further stated that a staff is deployed on vessels and crafts on shifts basis consisting of 8 hours and 12 hours and in spite of the difference in the system of deployment, the nature of work remains the same. The witness has also further stated that the present system is on the basis of decisions arrived at by the Port Trusts in consultation with the unions. He also stated that a lot of changes have taken place in the matter of vessels and crafts during the last 2/3 decades as the ports are to keep pace with the international field. He stated that previously the Tugs used to have only one propeller and then Tugs with two propellers came and presently they are running with rudder propeller. The witness further stated in spite of technological advancement and changes there has been no change in the manning pattern in the vessels and the crafts since long and in his view change in the manning pattern is required in view of the technological changes in the field of marine activities. According to the witness, so far as the manning of the vessels and crafts are concerned, the manning pattern should be rationalised and made similar. In his cross-examination, the witness has stated that different types of crafts require different number of personnel and requirement of particular type of craft may vary from place to place according to its time taken for operation. In his cross-examination, the witness has stated that so far as service conditions of workers in the different ports are concerned, they are the same and the working conditions are also the same. He also stated that so far as technological changes are concerned, every Port tries to cope with it, so far as marine crafts are concerned. He has stated that according to him posting of Electrician on Tugs is not necessary. He has also further stated that the Tugs have 2 engines and even in case of failure in electrical system, another engine comes to help and presence of Electrician is not necessary. The witness has disagreed with the suggestion that reducing the manning scale would adversely affect the efficiency as well as safety of the manpower. He has stated that the craftwise highest manning scale is at Calcutta and the lowest at Kandla, JNPT and

Chennai. He has also further stated that manning scale has to be changed as per the change in the technological advancement and whenever there was change in the manning pattern, the labour unions were consulted by the Ports.

MW-9, Captain Hemant Kumar Sibal is Deputy Conservator of Kandla Port. He has been associated with the port industry for last 10 years and prior to Kandla he had worked at Tuticorin, New Mangalore and Bombay Ports. So, he is aware of the marine activities of the Major Ports in India. He has stated that in deeper area a ship which is a bulky floating object can manoeuvre itself, but when it enters a restricted water in a Port, it requires help of Tug to bring it to the shore. According to him Tugs are generally classified into two types, conventional propulsion Tugs and Tractor Tugs. He also stated that the Tugs have different powers and stronger Tugs are required for other purpose. He also stated that the bollard Pull of a Tug varies from 15 to 50 tonnes and both the types of Tugs are available at all the Major. He stated that in Kandla in conventional Tug 9 persons are deployed and in Tractor Tugs there are 15 persons. He also stated that at New Mangalore on Tractor Tug 10 persons are deployed and there is no conventional Tug there. About Tuticorin he stated that 10 persons are deployed on Tractor Tug and for conventional Tug he has no knowledge. About Bombay he stated that he has no particular idea. He stated that there are certain Ports in which they have got Tugs on hire. He stated that there are private Tugs at New Mangalore, Tuticorin, Bombay, JNPT and Mormugao. He stated that in private Tugs the manning pattern is lower than the Tugs of Ports. The witness has also further stated that there are various types of Launches available in the Ports which includes Pilot Launches, Mooring Launches, Survey Launches and General purpose Launches. According to him the launches are almost identical in all the Ports and over the years there have been lot of technological changes in the crafts and vessels which is better manoeuvrable and has better speed and is also safer. The witness stated that at Kandla Survey Launches have got 5 persons, Pilot Launches have got 6 persons and General Purpose Launch has 6 to 7, while Mooring Launch has got 5 persons as its crew. He also stated that at Tuticorin the manning pattern is practically the same as at Kandla. The witness has stated that his general impression is that the crafts and vessels are over-manned and it requires to be rationalised. He has also stated that there is a Dredger at New Mangalore and so far as its manning pattern is concerned, it is 16. However, he has no knowledge of the manning pattern of Dredgers in other Ports. He has also stated that at New Mangalore there is a Barge also and the barge has also to work with Grab Dredger. In his cross-examination, he has stated that at Kandla Port pre-berthing detention time as well as the turn round time are more than excellent and better than the parameter fixed. He also stated that the pre-berthing

detention is not dependent on the marina crafts; rather, the marine crafts also contributes to the efficiency of the Port and are meant both for efficiency and safety of the Ports. He also stated that manning of marine crafts is decided locally by the Ports in consultation with the workers unions. He has denied the suggestion that it is not determined in consultation with the unions and it is decided by the management only. However, he admits that at Kandla also there has been decreased in manpower in several spheres and he also denied the suggestion that the manpower has reduced with the development of the crafts. He has, however, stated that it is not only the size of the Dredger; rather, the type of the Dredger which decides the manning. He has stated in answer to a question in cross-examination that Bombay and Calcutta Ports have impounded docks and Calcutta includes Haldia. He further stated that so far as berthing and unberthing of ships are concerned, several factors are responsible for it and it includes the length of the channel, depth of the water, tidal conditions and weather conditions etc. which differ from Port to Port. He has denied the suggestion that manning scale of the crafts were decided by the various Port authorities considering the various aforesaid conditions. He also stated that in marine crafts, Marine Engineer is supposed to be incharge of all technical aspects including electricity and there is no specific post of Electrician in the crafts. However, it is stated that so far as Bombay is concerned, post of Electrician is there in the Tugs which is a kind of local arrangement. He stated that the Electricity Act has no application to the marine crafts. He also denied the suggestion that the efficiency of marine craft will deteriorate if there is reduction in the manpower. He has also stated that though there has been some reduction in some places, the crafts are not properly manned.

MW-10, Captain Malcon Rodrigues is Harbour Master at Mumbai Port and he has 26 years of experience including 10 years in ships. He stated that the vessels and crafts at Mumbai Port are deployed on 12 hours basis and some are also deployed for 24 hours. According to him the system of deployment was evolved in consultation with the unions for convenience of the workers. He stated that presently the crew members of Bombay Port are not covered by the Minimum Wages Act on account of the exemption being granted by the Govt. of India. He stated that originally a workman is required to work for 8 hours only and because the crew members remain on crafts for 12 hours, they get extra remuneration, which is consolidated overtime. He also stated that at Bombay they have a hired Tug and so far as private Tug is concerned, its availability is 96% and it is manned by 6 persons only, but on the other hand, the availability of the Tug of the Port is about 80% only and the manning pattern is 12 persons, though there is no difference between the workings of the two kind's of Tugs. The witness also further stated that the working of the crew members of the vessel is intermittent and not

continuous. He stated that there are Mooring Crew in their Port and the work of Mooring Crew is to lead the ship safely to the Port. According to him the mooring staff consists of 18 in a gang which is regarding Indira Dock. He also stated that the deputation of gang is 18 irrespective of the size of the ship. He also stated that through Victoria Dock is not presently working, there 48 people there. However, there is no staff at Princess Dock. So far as Jawhar Deep and Pir Pau are concerned, the strength of staff is 43. He stated that manning pattern is not need-based; rather, it is fixed on the basis of negotiations which the unions locally. The witness also stated that Mooring Crew do not handle wire. According to him at Jawhar Deep, the ideal manning of Mooring Crew will be $22 + 1$ (Serang). He also further stated that for handling the mooring at Indira Dock, 7 persons are required and for Victoria Dock, the strength of Mooring Crew required is $8 + 7 = 15$. The witness stated in his cross-examination that the method of berthing and unberthing is decided on the basis of the skill of the Pilot. He further stated that so far as nature of berthing and unberthing is concerned, it remains the same in spite of other conditions. He also stated that the pilotage services are compulsory in all the Major Ports and safety of the ship is primary task of the pilotage service. He also stated that there are different publications regarding the pilotage service and he referred to the Guide Book to Port Entry published by Shipping Guides Ltd. According to him this publication has been made on the basis of the information gathered by the publisher from the Masters and it is a private publications. He has expressed his ignorance about the sanctioning authority of the posts. He stated that so far as Tractor Tugs are concerned, the deployment of crew is 19. He stated that in statement of claims Appendix -9B the figure shown against MEPT, the number of personnel deputed in Tractor Tug is not correct, which relates to Voich Sinder. It is also a type of Tractor Tug. In his cross-examination, he has stated that shore gang consists of team of persons which differs from Port to Port. He also stated that the manning strength is decided by mutual agreement between the management and the union and after negotiation the matter is handled by the management. The witness further stated that the total number of Shore Crew have divided themselves in 10 different groups for their convenience and for working at 10 different places at Indira Dock. He also stated that there are altogether 29 berths at Indira Dock. He further stated that within the dock basin the ships come through the lock so as to reach the berth. He also stated that previously prior to 1995 there used to be substitute panel of Shore Crew for working in case of exigency and in 1995 the then Chairman of the Trust had discussion with the union regarding the strength of Shore Crew and by an agreement the system of reserve pool was done away with and accordingly the number of Shore Crew were reduced. He also further stated that at Indira Dock 13 posts were reduced bringing it down to 193 from 206. He further stated that since the agreement in 1995

the nature of rope has changed and the change is coming on everyday. He also further stated that since after 1995, 72 persons are posted per ship at Indira Dock and prior to 1995 also the manning scale was the same. According to him previously when the traffic was heavy, three processes were being carried out simultaneously, but it is not the case now, because now the port is to deal with 3/4 ships only in a period of 24 hours time. However, he had admitted that according to a study of Japan Professional Corporation Agency the projection of traffic for 2007-08 is 47,669 million tonnes and it is 58,435 million tonnes in 2017-18 regarding Bombay Port. He has denied the suggestion that there has been no technological change since 1995, so that the number of crew can be reduced. He has stated in this connection that they have got 8 new Tugs and it has increased the efficiency of working. The witness has also stated that occasionally some small ships are berthed at Victoria Dock also and Barges, Dredgers and Supply Boats are also berthed at Victoria Dock. He further states that they pass through the lock gate of Victoria Dock and since boats are light and maneuverable, they pass through themselves and only cargo ships need Mooring Crew and so 25 people are deputed as Mooring Crew at Victoria Dock. Regarding Princess Dock, he stated that it has been closed by issuance of the notice by the Port. However, the ships still come through the Princess Dock for the purpose of repairing, but not for cargo handling and only those ships are coming through Princess Dock which can come without mooring. The witness also further stated that the Shore Crew of Jawhar Dweep are required to work at 5 places and big tankers are berthed at Jawhar Dweep. He also stated that during monsoon season they take extra ropes for moorings and the maximum number of ropes are 16 and sometimes 18 also. He denied the suggestion that the Shore Crew are required to work at two different places simultaneously, though it is desirable. He has stated that for the purpose of mooring total number required is 23 and the distribution is for 4 headlines, 4 for brest lines, 3 for springs at either end. So, it is 11 each side and in total 22 with one Supervisor, but presently 43 people are deployed and the distribution is 12 on each side, 8 for the brest lines and 6 for spring each side. He denied the suggestion that if the strength of the mooring crew at Jawhar Dweep and Indira Dock is reduced substantially, it will be unfair and it will affect the efficiency of the workings and will be against the agreement of 1995. The witness has further replied that he has read the report prepared by one Captain Sahani, the then Deputy Conservator, published in 1994 and he had opined at that time that there is no scope for reduction in the supervisory staff in the matter of mooring crew, but he prepared another report in 2000.

MW-II, Sidheswar Nath Chowbay is the Manager, Marine Operations of Haldia Dock Complex. He is associated with the port industry for more than 23 years. He stated that for marine operations they have got vessels and crafts

and all the crafts and vessels do not belong to the Port and they have hired one Tug for their purpose. He also stated that Haldia Port owns some launches manned by private agency. He stated that the vessels and crafts are deployed sometimes for 12 hours and sometimes for 24 hours according to necessity. He stated that the normal working hours of the employees including the crew member is 8 hours, but on the basis of negotiations and settlements at various levels it has been decided that the crew members shall be deployed for 12 hours and 24 hours for which they get extra remuneration and they get free ration also, though the job of crew members is not continuous in nature. He also stated that those who perform duties for 12 hours and supposed to perform 62 hours of work in a week and the persons deployed on 24 hours basis perform duty for 65½ hours in a week. The witness also stated that there is no special feature in the system of work of crew members in the Calcutta Port Trust. He stated vessels are treated as place of stay for the crew members during the period of their deployment and when the vessel is on shore half of the personnel availed off-duty, but half of them are supposed to stay in the vessel. He stated that in his opinion there should be uniformity in the matter of deployment of crew members on vessels and crafts in all the Major Ports. The witness has stated that Haldia has impounded Dock System. It is at Calcutta also. He also stated that for handling the ropes of the ships arriving at the Port mooring is done by the Mooring Crew and at different points they have different number of mooring crew. He further stated that for Khidirpore Dock they have more than 50 mooring crew and at N.S.D. they have 26 persons including supervisory staff and at Haldia they have 48 persons at one time for the Dock which includes 16 people for Oil Jetty Nos. 1 and 2 and 12 for Oil Jetty No. 3. He also stated that the requirement of mooring crew may vary according to the size of the ship to be handled, but the variation should be between 4 and 10 meaning thereby that 4 is required for smaller ships and 10 for very big ships. He also stated that there is no flexibility available in the matter of deployment of mooring crew. The witness also stated that there could be minor variation in the process of handling the ships, but the system is same. He also stated that the manning pattern has not been changed commensurate with the progress and advancement in technology, though there has been some changes. The witness is of the view that there is necessity of rationalisation in manning pattern. He has stated in his cross-examination that rationalisation has not been considered in any of the Awards earlier. He also stated that there are less than 4 vessels in the Calcutta Port which are old and not modernised and these vessels are also deployed for short duration. He further stated that at Calcutta there are 10/11 vessels of the latest technology and all these latest vessels are owned by the Calcutta Port. He also stated that the manning pattern of those latest vessels was not reduced. He has denied the suggestion that the manning pattern of these vessels were reduced by negotiations.

The witness has also further stated that some of the crew members are deputed for the maintenance of the vessels and crafts and sometimes they remain busy for maintenance work, but during operation all of them are not required to work. He denied the suggestion that some of the vessels are not actually taken-up for annual repair etc. even after more than a year. He also denied the suggestion that there is delay in repairing of the vessels and crafts. He also further stated that though the payment is made to the crew on 12 hours basis, it is always necessary that they work 12 hours regularly, but sometimes they work for 8/9 hours only and sometimes for 6 hours only. So, according to him while fixing the manning pattern the aspect of relieving is also taken into consideration. He has further stated in his cross-examination that cargo movement at Haldia is continuously increasing for the last about 10 years. He has also stated that so far as pattern of deployment is concerned, there has been no change and the increase in the manpower is on account of acquisition of new crafts and vessels and also increase in the area of operation.

MW-12, R. R. Sinha happens to be the incharge Chairman of Mumbai Port Trust. He is associated with the Port industry for last about 11 years. He stated that he was earlier posted as Chairman Mormugao Port Trust and had worked as Commissioner, Water Transport and Chief Executive Officer, Maharashtra Marine Board looking after 48 minor Ports. He stated that while doing his post-graduate studies in Port & Shipping, he visited many Ports in Europe and Asia and he is conversant with the workings of the Major Ports in India. The witness stated that the general activities of the Major Ports are operational and supportive activities. According to him operational activities include handling of cargo, equipment operation, movement of vessels and crafts and supportive activity include maintenance of equipment, administration, hospital, canteen and other activities. According to the witness the primary consideration of the port user to select a Port is the cost of cargo handling and efficiency of operations. According to him in 1999-2000 the quantum of cargo handled in Major Ports was 271.93 million tonnes. He further stated that the total liquid cargo traffic handled in 1999-2000 was 115 million tonnes, which is about 45% of the total cargo handled. He stated that the liquid bulk cargo is generally handled through the pipelines and the involvement of worker is absent. He also stated that the total iron ore and coal cargo handled during 1999-2000 was 65 million tonnes approximately, which is handled by machines and equipments. According to the witness the quantum of container cargo handled during aforesaid period is 26.19 million tonnes, where the contribution of the workers was limited. He also further stated that the quantum of fertiliser handled during the year in question was about 10 million tonnes. This cargo is handled mechanically. According to the witness the quantum of general cargo handled by the Major Ports during the relevant period was

25.4 million tonnes, the percentage being 16 of the total handling of cargo. The witness further stated that operating ratio of a Port is percentage of expenditure over the revenue of the Port and it indicates the financial health of the Port. He stated that Calcutta, Mumbai and Chennai happen to be centurion Ports and the operating ratio of Calcutta happened to be 70%, Mumbai 88% and of Chennai 79% approximately. The witness further stated that on 31st March, 2000 the strength of employees in the Major Ports was 92391. It did not include the workmen of Dock Labour Boards. He further stated that the total number of workman in Dock Labour Boards at Calcutta, Visakhapatnam, Chennai and Kandla was 8034 only. The witness further stated that the share of employees of the three centurion Ports is 58,690 out of the total of 92,000 and it is about 65%. The witness further stated that so far as the cargo handled during 1999-2000 by the three centurion Ports vis-a-vis the total cargo handled by all Major Ports was 36%. The witness also stated that in 1999-2000 the expenditure incurred over payment to workers by Mumbai Port Trust was 66% of overall expenditure and at Calcutta it was 45% and at Chennai it was 54%. The witness has stated that the workers in Port Trusts are generally better off than in the general sector of the Govt. and P.S.U.s. According to the witness the necessity of rationalisation of the manpower in operations has been felt since long and it has acquired urgency at present. He has stated that the management of Major Ports have been trying constantly to rationalise manpower and operations of the Ports through bilateral negotiations with the Federations and the Unions, but it did not bear any fruits. He stated that it was on account of lack of appreciation of the change required. He stated that there have been number of independent studies made by the different organisations regarding modernisation and rationalisation of the Ports. According to the witness such studies were made by the National Institute for Training and Industrial Engineering, National Productivity Council, Port Reforms Committee, Cornell Group, RITES and the World Bank. The witness further stated that for handling identical cargo, operational cycles remains the same irrespective of the location of the Ports. According to him for a particulars handling process of a particular kind of cargo, the manning pattern in all the Major Ports should be the same. According to him for operating identical equipment the manning pattern should be the same, but presently the manning pattern of similar crafts and vessels is not uniform in all the Major Ports. So, the manning pattern in this case also should be the same in all the Ports. He also further stated that the existing pattern of gang deployment should be done away with and is required to be need-based. The witness further stated that at Mumbai they have two quay side gantry cranes for handling containers which were procured in 1984-1985 and they are comparable to QGCs at JNPT and Chennai. According to him in spite of passage of time these gantry cranes cannot be termed as obsolete or out-dated. However, he admitted that they have

started the process of replacing the aforesaid 2 gantry cranes at Mumbai Port, but the Government has not been moved up till now. The witness further stated that the sanctioned posts at the Ports meaning the posts sanctioned by the competent authority at a particular point of time is there, but actual requirement of posts may be different. He stated that there are incentive schemes in the Ports for the workers in cargo handling and there is no reference in the incentive scheme for the number of the workers deployed and equipment used during operation. So, the datum of incentive scheme are not rational. The witness also stated that M.O.U. between the Port Trusts and the Government are signed on the basis of the prevailing circumstances and on incremental basis; rather than based on ideal condition. He also stated that there is a system of notional booking of labour prevalent in the Ports. According to him such bookings are prevalent at Kandla and Calcutta of which he is aware. According to him in Kandla Port for handling a container ship crane and handling of containers at berths is performed by other than Port workers, but Port gang is booked, though they are not to perform the duty. He stated that so far as Calcutta is concerned, gangs are booked for stuffing and destuffing, though the work is done outside. He stated that same is the case with handling of containers at berths and for such deployment wages and incentives are paid to the gangs.

In his cross-examination, the witness has stated that according to him Kandla Port is capable of handling a tanker of 5 Lakh DWT and the ships of 1.5 Lakhs DWT can be in Indian Ports for general cargo. There are bigger ships according to him and the container cargo is transhipped from Colombo to Indian Major Ports as very big container ships can be handled at Colombo. He also stated that infrastructure in the Major Ports in India are available to handle very big ships, but it is not possible because of the draught being not adequate. He further stated that the cranes available at Mumbai Port can be compared with the gantry cranes available at Colombo and other Ports and the productivity depends on output and since the Major Ports are not achieving that output, the productivity of our Ports cannot be compared with the Colombo Port and other Ports. The witness also further stated that the organisations and institutions making studies of the Indian Ports have suggested improvement in the advanced technology. He also stated that he did not find gang system at Ports like, Portlang, Singapore, Le Harvre etc. He further stated that so far as the gang system is concerned, it has been abolished in many of the Ports of the world. According to him manning scales in many of the Major Ports might have been scaled down with the advancement of technology. However, he stated that the number of workers at centurion Ports, specially Calcutta and Mumbai were much higher earlier than what it is at present and during the past 2 years the manpower in these Ports has been brought down. The witness also stated that in the matter of reducing the cost

of production the role of management is to negotiate with the unions to bring the changes in the operations and manning scales, apart from developing and expanding the facilities at the Ports. According to him the unions did not react favourably during negotiations in this respect. He also stated that when a new Tug was acquired at Mumbai Port and negotiations started for reduction in the manning, the manning was fixed at 12, whereas in private Tugs it is 6 crew only. He has also stated that he is not aware of the decision of the Calcutta Dock Labour Board regarding abolition of notional booking on 3rd February, 1999. He further stated that he agrees with the policy statement in the paper of the World Bank published in the Indian Ports—2000 in Issue No. 6 of December, 2000 regarding the approach to the issue by the management as well as the workmen. Some questions have been put to him regarding creation of some posts at senior managerial level and the witness has stated that the posts have been created, no doubt, but these were not the posts carrying long history. The witness has stated that the total strength of workers at Bombay is much less than what it was on 31st March, 2000. He further stated that the bulk liquid cargo is handled in Mumbai Port at Jawahar Deep and there are about 500 employees for maintenance of pipelines and other allied jobs. According to him some of the persons deputed for maintenance of pipelines also do some loosening and tightening of the valves, but they are not meant for operation of cargo. He also stated that for operation of the tools and implements presence of workers is necessary, because the machines are not fully automatic. He has denied the suggestion that after reduction in manning pattern, production will go down. So far as the percentage of salary cost etc. is concerned, according to him the ideal percentage is 20-25% as observed at international Ports. There was a suggestion to him that an expert committee had observed that the posts of Chairman and Deputy Chairman were redundant; rather, it has observed that they should be professionals.

31. So far as Federations are concerned, altogether 31 witnesses have been examined. Different number of witnesses have been examined on behalf of the different Federations. WW-1, P.T. Nalavade is the witness on behalf of the Federation No. 1. He happens to be a Labour Inspector, Grade-II at Traffic Manager's Office, Mumbai Port Trust since 1993. Earlier, he happened to be a Tally Clerk and according to him as Tally Clerk he had to take into account the export and import goods by mentioning the description of the packages and case cargos. According to him the duty of Tally Clerk includes delivery of import goods. He also stated that labour supervisor has to place indent for productive equipments. He stated that the gang system was in existence at Mumbai Port since before he joined service and according to him engagement of labour in gang system is better, because the members of the gang have the occasions to fully know each other and there is

likelihood of better coordination to improve efficiency. According to him in 1970 there was Dock Labour Board at Bombay and now in 1994 the Dock Labour Board had been taken over by the Port Trust by an agreement. He stated that Bombay Port is one of the oldest Port in the country and in 1996-97 and 1997-98 the Port handled maximum number of containers. However, according to him container traffic is coming down since then because of two factors, namely, the lock gate system in Bombay Port depending on tidal pattern and the modern infrastructure not being available. According to him some of the implements are required to be replaced, but it has not been done. He also stated that in 1970 there were 40 thousand workers in Bombay Port, but it has gone down considerably to 23 thousand only. In his cross-examination, he has stated that as Labour Supervisor he used to coordinate handling of cargo on shore only, though he had no direct participation in cargo handling. According to him categories of cargo handled at Bombay Port are bagged cargo, general cargo, palletised cargo and iron & steel cargo. He further stated that for handling bagged cargo, the type of sling being used are rope sling and net sling. He also stated that when net sling comes down from board to shore, the number of persons required to handle the sling is 2 and only 2 persons are deputed for this work. He also stated that he has never seen unslung cargo on shore being delivered to trucks directly and for taking unslung cargo to the shed, 12 persons are required in a gang. According to him the same gang which is engaged in unslinging also carries goods to the shed. He also stated that he had worked in container handling operation also and according to him in case of container cargo handling firstly it has to be brought from the ship to the shore by ships cranes or gantry cranes and then it is loaded on trailer and sent to nominated area for storage. He also admitted that he has seen automatic spreaders for handling containers and if automatic spreader is used, manpower is also required and for handling the same 4 men are required in ship gantry or QGC. According to him 4 persons are required to adjust the container on trailer, though the slinging and unslinging is automatic. He, however, admitted that for putting the container on shore no person is required to handle in case of automatic spreader. However, he also stated that there is a practice by agreement by which the Bombay Port deputes persons in such cases and the constitution of a gang at Bombay is 12 Mazdoors and 1 Morpia, i.e., gang leader. He also stated that the practice in Bombay Port is to deploy full gang irrespective of the fact that the requirement is 2 or 4. He also further stated that even after takeover of the Dock Labour Board by the Port Trust, gang system, continues. He has also stated that he does not know how many moves ideally a gantry crane should perform and he expressed ignorance about the development in the system of gantry crane. In the end he has admitted that the deputation of workers should be on the basis of requirement.

WW-2, Nariman Homi Sarkari happens to be a Foreman in Bombay Port Trust and he is working since 1979. According to him the duty of the Foreman is to look after the gangs. He stated that the requirement is first collected from the Cargo Supervisor and the Stevedores and then the requisition is made and deployment in gang is also made for loading and unloading operation. According to him the work is done through gang system and the gang consists of 7 + 1 and 1 Signalman and 2 + 1 Winch Drivers. This strength of gang is for work on board the vessel and the gang is in operation since long. According to him the advantage of gang system is that they know each other properly and cooperate with each other and work in unison. According to him during the last several years there has been improvement in the matter of QGC and lately in the year 2000 procurement of some cranes. According to him the workers have got some handicaps, but in spite of the handicaps, they are giving best performance. In his cross-examination, he stated that he works on board the vessels and there is one Chargeman to assist him, though their duties are the same. He also further stated that earlier ships derricks used to operate for handling cargo and presently the ships are having sophisticated gantry cranes, but still there are derricks available. According to him scraps are not being received at Bombay and so use of magnet is not required. He stated that they use grabs and pay loaders for bulk loose cargo and according to him the same number of people will be required even after the use of grab and pay loaders, though equipments have helped in reducing the pressure on the workmen to some extent. Further, he stated that before introduction of grab people used to be deployed in group of 4 and 3 and they used to lift the cargo with shovales and collect it in the net. There was no necessity of a man to load the grab. Further, he stated that before the introduction of the grab people were required to collect the cargo in the net and put in the sling, but now net sling is not used. So, the persons working on net sling at that time are not now required. He further stated that they are not using automatic spreader, but semi-automatic spreaders are used and 4 persons are required to help the hinges in the semi-automatic spreaders. These 4 persons place hinges in proper position and lock it and when the spreader comes down the same is unlocked. He also stated that container is not handled by slings now. So far as incentive system is concerned, he has stated that there is no system of wage-cut in case of slackness on the part of the labourers and only explanation has to be given. However, he has stated that when the gangs cross the target, they get incentive and if the datum is not reached they do not get incentive. So, it has been suggested that the datum is only for the purpose of incentive payment, which he has denied. He stated that for the purpose of container cargo the strength of gang is reduced to 4 + 2 and for loose cargo the constitution of gang is 12. However, he admitted that the man-power should be deployed for the work according to requirement of the man-power and more persons are

required for handling break bulk cargo than the requirement of container cargo.

WW-3, Rajan Selvam happens to be a Chargeman in the Bombay Port Trust where he is working for 20 years. He stated that Bombay Dock Labour Board was in existence at the time of his entry in the service and now the same has been taken over by the Bombay Port with effect from 25th January, 1994 by an agreement. He stated that earlier the manning scale was reduced by this agreement and the gang strength is decided on the basis of requirement. So, in his opinion, present gang strength should be retained for the purpose of proper functioning of the system. In his cross-examination, however, he has stated that prior to agreement the composition of the gang was 7 + 1 for the purpose of handling all kinds of cargo and after the agreement the composition of gang for handling container is 4 labourers and 1 GPM gang and for other kinds of cargo the composition of gang remained the same as it was before, which is 7 + 1 and 1 Hatch Foreman and 2 Winch Drivers. He also stated that for handling cargo on ship, 2 Winch Drivers are deputed and they are required to work turn by turn. He also stated that relievers are also put to relieve the Winch Drivers and the Hatch Foreman or Signalman. So, according to him apart from 2 Winch Drivers one reliever is also booked. He has further stated that gang composition for handling of container cargo was decided by negotiation between the authorities and the association of the workmen and ultimately he stated that the manning pattern should not be according to requirement, which appears to be unreasonable.

WW-4, Thomas Sebastian happens to be an Accountant at Cochin Port Trust where he joined in 1979. He has stated that the man-power has been reduced in the Port since the time he joined and the Dock Labour Board which was earlier in existence has now merged with the Port Trust by a settlement and according to the settlement there was reduction in composition of gang for rationalisation. He stated that before the merger the composition of gang was 12 persons on board and 12 persons on shore and after merger there is no posting of gang on board and it is only shore, the strength of which is 6 + 4, i.e., 10. In his cross-examination, he has stated that he has no occasion to participate in the loading/unloading operation, but sometimes he has gone to the place of operation as Secretary of the Union. He has stated that reduction in the man-power has taken place because of retirement of persons and V. R. S. and also on account of reduction in the age of retirement. He stated that a gang is a group of people deputed for a particular task and the gang is not supposed to be split. He stated that there is presently a composite gang deputed to handle containers and some of the persons of the gang operate on board while others operate on shore. He also further stated that in all cases of cargo handling only the composite gang is deputed. According to him for break bulk cargo the

composition of gang is 10 + 2 and for bulk it is 9 + 1. He has disagreed with the suggestion that for handling container cargo less than 10 persons are required. He has also further stated that the composition of gang is the same in case of container cargo and bulk cargo, but the designations are different. However, he admitted that unslinging and slinging of bulk cargo and that of container cargo are different and he does not agree that the deputation of workers should be in accordance with the requirement of work.

WW-5, H. R. Dinesh Acharya is a Senior Tally Clerk at New Mangalore Port and he happens to be Vice-President of the Dock & General Workers Union of Karnataka. He stated that in New Mangalore Port Workers work in gang and there are different strength of gang for different kinds of cargo. According to him 4 kinds of cargo are handled, i.e., granite, timber logs, containers, bulk cargo and break-bulk cargo. He also stated that for granite cargo, the composition of gang is 7 on board and 3 on shore. He stated that one of the persons on shore happens to be a Shore Leader for 2 gangs. According to him for timber 9 persons are deputed on board and 5 on shore. Further, he stated that for break-bulk cargo 13 on board and 15 on shore are deputed and for bulk cargo 9 on board and 5 on shore are deputed. He stated that in his opinion the system of gang should be continued and the composition of gang is decided by the management according to requirement. In his cross-examination, he stated that granite is received in bulk condition and there is no equipment provided at the Port for handling granite cargo which is handled manually. According to him there is no equipment available for handling timbers and they use only Fork-lift for handling timbers. He further stated that handling timber is more difficult than handling granite cargo and handling container is much easier. He also stated that containers are handled by ships gantry and spreader, the spreader being semi-automatic. He further stated that for handling container from hatching 4 persons are required who have to remove the lock from the container and then lock it. So, the persons are required only for locking and unlocking. However, he agreed with the suggestion that the workmen should be deputed as per actual requirement of work. He also admitted that there is no system of splitting the gang according to the requirement.

WW-6, K.P. Johnson happens to be a Technician in Chief Mechanical Engineer's Deptt. of Mumbai Port Trust for 15 years. He has stated that for efficient functioning and maintenance of QGCs and RTGs, 2 Technicians are posted per shift per QGC/RTG and this is being done from the very beginning. He has also stated that the QGC presently used at Mumbai Port Trust are very old and there is difficulty in operating the same. In his cross-examination, he stated that QGC has been procured in Chennai Port also which he does not know. According to him QGC No. 1 at Mumbai Port was acquired in 1983 and QGC No. 2 in 1987. However, he expressed his inability to say whether QGCs

were procured in 1983 and 1984 in Chennai Port also. He also stated that he has seen improved category of QGC at JNPT procured in 1995-96. He has stated that he has no knowledge as to how many moves the QGC makes at JNPT, but he has learnt that in completing one move the QGC takes 2 to 5 minutes and the time taken between 2 moves is one minute only. He further admitted that sometimes he remains idle if sufficient number of containers are not to be handled, though he works in a shift of 8 hours. He also admitted that during a shift he works for 4 hours only and sometimes it may happen that he has to remain idle for the entire period.

WW-7, Rajendra Prasad Joshi, who has sworn affidavit, happens to be Driver IIInd. Grade on Pontoon Dredger for 7 years. He has stated that the manning of the crafts are decided on the basis of local conditions and nature of work. He stated that the persons required to attend the complement of 15 members of crew includes 11 members on deck and 4 members in engine and according to him the situation of Bombay Port is very peculiar and, therefore, the manning should not be reduced. In his cross-examination, he has stated that he happens to be a Crane Operator of Dredger. He also stated that to maintain the proper working condition of the engine, technicians are responsible and he happens to be operator only and he has no hand in maintenance of the vessel. He has also stated that a separate batch of technicians are maintained which include 1 Technician, 1 Mechanic, 1 Welder and 1 Fitter and according to him their presence on the vessel is necessary. He has stated that altogether 15 persons remain engaged in the vessel which include 2 Engine Drivers, 2 Oilmen, 1 Mate Second Grade and 1 Tindal, 1 Winchman, 7 Lascars and 1 Cook. He has expressed ignorance about the Pontoon Dredger at Cochin Port.

WW-8 is Suresh Yashwant Sawant. He is an Electric Wharf Crane Driver at Indira Dock of Mumbai. According to him there are 3 Electric Wharf Crane Drivers for operation of 2 Electric Wharf Cranes having capacity of 3 Tonnes, 6 Tonnes and 10 Tonnes. According to him activities of 3 Electric Wharf Crane Drivers, one Electric Wharf Crane Driver is called Reliever who relieves the Electric Wharf Crane Drivers posted in 2 Cranes. According to him the deployment is proper. In his cross-examination he stated that he works in a shift of 8 hours and the average period of operation in a move takes 5 to 7 minutes and there is a gap of 10 to 15 minutes between the two moves. He also stated that 10 to 60 moves are made in a shift of 8 hours depending on circumstances and one hour in the shift is treated as tiffin hour. He also stated that Reliever relieves him for 2 hours and then after 2 hours he relieves the Reliever. So, it appears that out of the total period of 8 hours he works only for 4 hours in actual operation and it is also clear from his statement that sometimes he works as Operator and on other occasions as Reliever.

WW-9 is Hussain Din Mohamed, a First Class Higher Grade Master at Kandla Port working since 1974. He stated that on deck side he happens to be incharge overall and alongwith him there is a team consisting of one Serang, 4 Lascars, 1 Cook, a Table Boy, one Topass and 1 Cassab. According to him his team works as standby for incoming ships and his shift is for 8 hours. He also stated that Kandla is a tidal Port and the ships can be brought in high tide only. Altogether there are 3 shifts in his department. He is on Tug and according to him one Tug can undertake 4 operations in a shift. He has also stated that Kandla has one more port known as Badinad. He also stated that at Badinad the Tug does the work of pulling operation. According to him the manning pattern of Tug has undergone some changes in 1995 and the strength of Lascars was reduced from 6 to 4. He also stated that with effect from 1st September, 2002 incentive scheme started in the Marine Deptt. at Kandla. He stated that at Kandla other crafts available are Higher Power Tugs, Lower Power Tugs, Pilot Craft, G. S. Launch, Mooring Launch etc. He also stated that the manning scales of the different crafts are different and when the particular craft is not in operation, man-power is deputed for standby. He also stated that there are different manning scales for the crafts at Kandla and Wadinad. According to him in Pilot Craft the strength of Lascar is 3. In his cross-examination, he stated that he has worked on all kinds of crafts. he also stated that there are 10 Masters of his category and the seniority is common in the cadre. So, he has also stated that he can be deputed on Pilot Launch also. According to him the Port has got SRP Tugs only and there is no Tractor Tug available. However, he stated that he has no idea of manning pattern of the other ports on the crafts and vessels, though all the ports in India happen to be tidal port.

WW-10, Bhaskar Chandrakant Vyas is a First Class Driver in the Mechanical Division at Kandla Port and his duty is on Pilot Craft. He stated that he looks after the engine side of the craft and there are 2 other persons also in the team, They are Oilman and Cleaner. He has stated that on bigger Tugs 7 to 8 persons are deputed on engine side which includes Chief Engineer, Second Engineer, Assistant Engineer (Dredger and Tugs), Assistant Engineer (F.C.), 2 Oilmen, 1 Cleaner, 1 Electrician, 1 Diesel Mechanic and 1 Cassab. According to him on smaller craft First Class Driver happens to be the senior-most personnel and on bigger craft the Chief Engineer is the head of the engine side. He also stated that Driver is not posted on Tugs at Kandla, but it is posted at Wadinad. According to him there is only one post of Chief Engineer at Wadinad and, therefore, qualified First Class Driver officiates as Head. He further stated that at Kandla Tugs are operated without Driver and the work of Driver is done by the Assistant Engineer (Dredger & Tugs) who does not happen to be the qualified Driver. He also stated that marine Engineer is not posted on all the Tugs. According him the Oilman with him

oils the engine parts from time to time and the Cleaner cleans the engine room and at the running stage they keep watch on the movement. He also stated that the manning pattern of different kinds of vessels are different. He also stated that the work at Wadinad is different from Kandla, because at Wadinad the ship has to be tied all along so long it is in operation, but at Kandla the ship is not tied with the Tug and it is done only when required. He also stated that at Wadinad the shift of the men on engine side is of 12 hours, whereas at Kandla it is 8 hours. He also stasted that inside the engine one of the 3 persons can sit for one hour and they sit in rotation. In cross-examination he stated that on bigger Tugs 7/8 persons are deputed on engine side and 3 persons are deputed on smaller Tugs. He denied that only 3 persons are deputed on engine side on the bigger Tug. He also further stated that there are 9 persons on deck side on a Tug and denied the suggestion that there are only 6 persons on deck side on a Tug. He also stated that as Pilot he has to remain inside the engine room for entire period and Oilman and Cleaner change after each hour turn by turn. He also stated that tugging a ship takes one and half hour and in one shift his vessel pilots 4/5 ships in day time and in night it pilots 3 ships only. He also stated that ship remains tied to the Tug all along and he has no idea of manning pattern of vessels in other Ports.

WW-11, Santosh Nair has sworn affidavit. He works at Kandla Port for the past 26 years and presently he is Head Clerk in the Marine Deptt. He has spoken about the system of deployment on various types of crafts and vessels of Marine Deptt. He has also stated about the deployment of personnel for loading/unloading and has given the strength of the deployment. In his cross-examination, he stated that at Wadinad the ship has to be pulled by Tug and ship has to remain tied with the Tug to remain static and it is released only after the operation. However, regarding Kandla he has stated that the berthing of the ship is done by the Tug by pulling and pushing. He also stated that the work of chipping and painting during idle period of the Tug is done by the Port Workers and not by the contractor. In his cross-examination he stated that on shore for handling bagged cargo a gang is deputed and composition of gang is 14 labourers, 1 Mukadam and 1 Tally Clerk. He also stated that the bagged cargo at Kandla Port handled manually and no implement is used, handcart is also not used and the workman carry it on shoulder. He also stated that private operation is not gang based and he has no idea about the composition of gang in other ports. He also stated that the gang is fixed and cannot be splitted. He also stated that in stronger undercurrent more persons are required than in case of weaker undercurrent. He also stated that the strength should be 12 when the undercurrent is strong, no operation is taken up in weak undercurrent and it is the survey people who decide whether undercurrent is strong or weak. He has admitted that as Head Clerk he supervises the office and do not do anything

himself and he is also not concerned with the operation as a Head Clerk. He also cannot say as to what is the sanctioned strength and what is the actual strength. He further stated that the work of chipping and painting is done when there is no operation and when the vessel is idle. He also stated that the general work of chipping and painting is not done during lay-off period and there is no separate department of persons for maintenance of the crafts.

WW-12, A. S. M. S. Mujawar happens to be a workman of the category of Seacunny in Port Department of Mumbai Port Trust. According to him he was serving for 30 years and presently he is working on Grab Dredger, G. C. Vinayak which happens to be a Dredger of Pontoon Dredger category. According to him the Dredger is in operation for last 6 years and according to him considering the nature of work that they have been attending, 15 crew members are deployed and according to him the deployment is justified. In his cross-examination, he has stated that the craft on which he is working has no engine and is not self-propelled and it has to be operated manually. He also stated that for the purpose of taking the ship to the dock, it is towed by the Tug and for taking it from one berth to another berth, it is pulled by the rope. According to him on his Dredger there is 10 persons deputed on deck and 5 on engine. He stated that there is a Cook also for serving food and he has nothing to do with the operation of the vessel. He stated that he does not know whether the kind of Dredger he is operating is available at all other Port. He also stated that there is another Dredger of different type in his port which is succession Dredger and he has stated that he called the dredger peculiar because it involves lot of manual power.

WW-13, Anthony Jhon Peters happens to be a retired employee of Mormugao Port Trust. He retired in February, 2002 and he also happens to be the President of the Mormugao Railway Workers and Secretary of All India Port & Dock Workers Federation. He is for Federation No. 1. He also happens to be a Trustee of the Port of Mormugao. He stated that in 1998 DLB merged in the Mormugao Port and it was envisaged in the agreement that the Port should formulate advisory committee to decide the manning scale and other matters. He also further stated that in the committee the representatives of both the Port workers and Stevedores were to be taken and the committee has also been constituted. According to him the present manning pattern is based on the report and recommendation of the said committee. Regarding the manning pattern of marine category, according to him, there was an agreement by which there was reduction in the manning pattern in March, 1999 and he was signatory to that agreement. He also stated that manning pattern on Tugs depend on different circumstances as mentioned in the agreement. He also further stated that manning pattern as decided at Mormugao Port cannot be applied uniformly in all the Ports

as the circumstances differ from Port to Port. He further stated that the factors to be judged for determining the productivity of the port are turn round time of the ships, pre-berthing detention and per day output. According to him there has been improvement in the matters of all these factors at Mormugao Port. He further stated that productivity also depends on several factors, such as, infrastructure available, skillful management, skillful planning by management and cooperation of all concerned. He has further stated that after the merger of the DLB with the Port Trust the financial position of Mormugao Port has improved. In his cross-examination on behalf of Federation No. 2 he stated that the agreement was signed on 3-3-1999 and it had considered the possibility and prospects of the new Tugs being procured. He stated that the union had agreed to reduction in the manning pattern of the Tugs to be procured in future under the threat of the management to give out the job to private sector. He has also stated that regarding the factors responsible for determining the manning pattern of Tug, the same applies to other vessels also. In cross-examination by the management he has stated that he is not aware of the wage settlement of the Port & Dock Workers dated 2-8-2000 and he does not recall the provisions of Clause 35 of the said Wage Settlement. However, he has admitted that so far as Clause 35 of the wage settlement is concerned, it lays down that uniform manning scale can be implemented in the operations of all the Major Ports depending on the local conditions. He stated that the agreement dated 3-3-1999 was to be considered in the matters of all future appointments. He further stated that Clause 1 of paragraph 12 of the agreement gives out the postulations of the manning scales in respect of the two Tugs to be procured in future. So far as Driver of a Tug is concerned, he stated that the job of a Driver remains the same and similar whether it works in one Port or another and if the same craft is being used in Major Ports functions of the Greaser and Electrician will be the same. He also further stated that there is difference between productivity and production and he admitted that he favours the principle of payment of productivity linked reward to the workers, which was earlier being determined on the basis of the TRT etc. and the present norm has changed. He has expressed inability to say that all the workers in the Ports including Mormugao received productivity linked reward, though he received such reward during his period of service. He has also admitted that he is not aware of the manning pattern of the vessels in other Ports. He spoke of the reduction in the number of man-power and admitted that the reduction had taken place on account of retirement and V. R. S. He stated that the deployment on vessels is not on gang basis and further stated that even if only 2 persons is required for a particular job they can very well be engaged and he also agreed that any deployment should be on the basis of actual requirement.

WW-14 is Sharad Ganpat Phatak who has filed affidavit. He stated that he had been working in the Mumbai

Port Trust for last 15 years as Electrician and according to him one Electrician is posted on the Tug per shift. He stated that Mumbai Port Trust decided to post Electrician by order dated 16-02-1998 and according to him the posting of Electrician is essential. He is for Federation No. 2. In his cross-examination on behalf of Federation No. 4 he stated that on Tugs the voltage of the generator is 440 and the same is the voltage of engine. According to him same is the case with Dredgers, but there are Tugs and Dredgers of lesser voltage also which 220 and according to him an Electrician is required to obtain licence for First Class Electrical Supervisor and only such qualified persons are employed. In his cross-examination by the management, he stated that he works for 24 hours shift duty and thereafter gets 24 hours off period and the entire team of staff work accordingly. He also stated that there is a team of 12 persons with him and all the 12 persons work on the same Tug since the Tug was procured 2 years earlier. He also stated that the Chief Engineer happens to be the head of the team and there is no supervisor for their work. He further stated that his Chief Engineer has no knowledge of any electrical matter. He stated that he has got qualification, but the witness does not know whether he is qualified as electrical or mechanical engineer. He further stated that all the Tugs which work in the harbour have 24 hours duty and the personnel on launches have 12 hours duty. He further stated that for working for 12 hours they get payment of 4 hours overtime and there is no post of Electrician on launch and it exists only on high voltage Tugs. He, however, stated that he has no knowledge of the system of work of the Tugs and Vessels at other Ports than Mumbai. He also does not know as to who operates generator on the Tugs of the lower voltage, i.e., 220 volts.

WW-15, Tushar Chakraborty is Superintendent of Accounts at Kandla Port. He stated that Special V. R. S. has been introduced in Kandla in 2001 and 33% opted for V.R.S. who have been given V.R.S. He also further stated that 40/50 other persons also opted for V.R.S., but they were not granted the same. He stated that it had been denied to them because of shortage of man-power at Kandla Port. In his cross-examination, he stated that he was himself in Finance Division and he had nothing to do with the working out of the strength and the required strength of workers and is responsible for working out financial implications only. He ultimately admitted that shortage of man-power may not result in shortage of manning of Port workers.

WW-16, Santosh Pandurang Maykar happens to be Inland Master-I in Mormugao Port since 1984. Presently he works to Pilot-cum-Mooring Launch, M. L. Sadna 2. According to him the Launch was built in 1988 and earlier he was working in dum boyas in 1986 and he worked as reliever. He stated that he worked on Tugs also and on Survey Launch and also on Water barge, but for the last 3 years he is working on Pilot-cum-Mooring Launch. According to him the work of his vessel is to carry pilot and when the ship coming to the shore, they work for

mooring. He stated that in the deep sea the loading/unloading is done with the help of transhipper and they perform the job of mooring. His duty hours is 12 hours and when the vessel is not in operation, they devote their time in maintenance and cleaning of the vessel. According to him they do chipping and painting, cleaning and oiling of the vessel. According to him there are 8 Crew men on the vessel and out of these 8, 4 are Seamen, 1 Driver, 2 Greasers and 1 Master. According to him the decision regarding the manning of the vessel is taken by the management and there is no scope for reduction in the manning pattern of the vessels. In his cross-examination he stated that he has no knowledge of the operation and working of the vessel in any other Port than Mormugao and he does not know anything about the manning pattern of the crafts and vessels in other Ports.

WW-17, Soma Krishna Padnekar is working in Mormugao Port Trust since 1973 and presently he is working on Pilot Launch which does the work of piloting as well as mooring. According to him total strength of crew on his vessel is 8, out of these 8, 5 are on the deck side and 3 on engine side. According to him on engine side apart from him, who is a Driver, the other 2 are Greasers. He further stated that when the vessel is operated, he starts the vessel engine as Driver and then keep watch on the engine during operation. He also stated that the Inland Master passes order for starting the vessel and there is no scope for reduction of number of crew over the craft. He further stated that the Driver alongwith 2 Greasers work in shift because they cannot stay in the engine room for a longer period. He also stated that there is only two engines in his vessel and there is no generator. In cross-examination, he stated that the shift hour of his vessel is 12 hours and for working for 12 hours they get overtime. He also stated that he is relieved after half an hour by the 2 Greasers who remain in the engine room for half an hour time and then he relieves them. He further stated that the manoeuvring and movement of the ships is under the control of the Inland master. He also stated that though the Greasers are known as Greaser in fact, they happen to be assistant to the Driver. He further stated that Seamen on board are not capable of working as Greaser, but Greaser can perform the work of Seaman in case of necessity. He further stated that the Master cannot work as Engine Driver and he also cannot work as Inland Master. He also further stated that the Greasers had also performed duties of Seaman in case of necessity. So far as actual time spent in operation is concerned, according to him it depends on the availability of the ships and sometimes only 2 movements are made and sometimes it is upto 14 also. He stated that he has no idea of the movement of the crafts etc. of the other Ports than Mormugao and he does not have any idea of the manning pattern of other crafts in other Ports.

WW-18, Ayub Jainuddin Kazi also filed affidavit and he is presently working as Engineer-in-charge and is posted

on a Pilot Launch of Mumbai Port Trust. He also happens to be President of Mumbai Port Trust Floatilla Workers Association. He claims that he is aware of the Port operations and about pilotage services and berthing/unberthing operation of the ships. He also stated that the local conditions differ from Port to Port which he has explained. According to him crew on Harbour Tugs assisted by the Mooring Launhes are required to complete the job of berthing and unberthing operation during the given suitable tides. He has stated about something which is out of context and has no relevance in the matter. He has given the manning pattern of the vessel also, which according to him is 11 on deck side and 7 on engine side, the total being 18, excluding a Senior Cook in day shift. In his cross-examination the witness has stated that there are 11 Major Ports in the country and he has visited foreign Ports. According to him Pilot Launch is meant for taking the Pilot to the ship and take him back to the shore. He stated that at Mumbai the Pilot Launch works as Mooring Launch also, but at other Ports it is not done by the Pilot Launch. He also stated that there is no post of Electrician in Pilot Launch, but there is post of 2 Greasers and so far as Greasers are concerned, apart from their work of greasing and maintenance, they also do the work of watch keeping. He cannot say whether the work of Greaser remains the same in other Ports. He stated that all kinds of vessels and crafts are available at other Ports also and excepting for JNPT the workings of different vessels and crafts are same in different Ports. He stated that so far as the work of Driver is concerned, it is similar in all Ports irrespective of the designation. He further stated that the Pilots of the Ports happen to be Class-I Officer and the piloting over the ship does not require help of any person and the Pilot takes the command of the ship. He has also stated that he has no experience of working in Indian Navy, but he has toed naval ships also. The job of the Tug is pushing and pulling of the Ships and toeing also. He does not have any experience of Dredging Corporation of India. According to him the Tugs available at Mumbai Port are Tractor Tug, Shuttle Tug and Acqua Tug. He further stated that there was an agreement on 08-06-2000 regarding manning of Tugs in his Port. He further stated that Jesco Tug is used for berthing and unberthing only and the new Tug acquired by Mumbai Port has more Bollard Pull. He further stated that a Survey launch was recently received of Netherlands by Mumbai Port. According to him the manning pattern of this Survey Launch is 7 to 8 persons. He also stated that similar Survey Launches were given to other Ports also by the Government of Netherlands, but he has no knowledge of their manning pattern at other Ports. He has stated that manning pattern of different crafts and vessels in different Ports cannot be similar as the conditions of work in all the Ports are not the same, but ultimately he has agreed that the manning pattern should be decided on the basis of actual requirement.

WW-19 is Mansur Ali Mondal. He happens to be a First Class Inland Master in Calcutta Port where he is working for 8 years. According to him during his period he worked on different Tugs and presently he is working on Tug Shaktiman which happens to be a conventional Tug. According to him he has got 12 hours shift. He stated that on deck side the strength of crew is 8. He stated that on his Tug the strength of crew on deck is 11 including himself and management fixed the strength of crew. He also further stated that all the Tugs in his Port are conventional Tug. According to him the strength of crew on deck are adequate and necessary. In his cross-examination, he has stated that the Tug on which he is working is a conventional Tug, but it is also a fire fighting Tug and at Haldia there are some modern Tugs also apart from conventional Tugs. He further stated that there are 4 Tugs available at Haldia and there is a different system of work at Haldia, though he has never worked at Haldia. He further stated that the Tug Shaktiman is presently in Dock and he has no idea regarding the strength of crew on those non-conventional Tugs at Haldia. He has also no idea about manning pattern of the Tugs in other Ports in India. He stated that because his Tug is not in commission now there is no work and they sit idle. He also does not remember as to when for the last he had attended a ship. He stated that he is no that Tug Shaktiman since January, 2001 and since his posting on this Tug, he has been attending 2/3 Ships per day and the Tug is laid-up from March, 2002. It is because of the fact that the engine is on repair and still they are posted on the said Tug and getting their payments.

WW-20, Dharmraj Singh is a Lascar in Calcutta Port and he is working for 15 years. Presently he is a Lascar Grade-I for last 3 years in the Mooring Master's Section at Budge Budge. His duty is of mooring and unmooring of Ships and he is working in a gang. He further stated that according to the new system introduced from 10-11-2002 the strength of gang is reduced to 5 Lascars and 1 Tindal. Prior to it there was Heav-up boat on which the strength of Lascar was 9 with 1 Tindal and 1 Majhi. Presently he is on mooring boat. He also stated that presently his job is mooring and unmooring of Ships and ordinarily they attend to 3 Ships for mooring and unmooring, but at times there may be 1 Ship and on occasions there may be not even a Ship. He stated that his duty is 24 hours with 24 hours off and they get overtime payment of 55% of the gross salary. He further stated that presently private Mooring Launch has been provided and the Mooring Launch is operated by the crew of the owner and only the Lascars and 1 Tindal are deputed on board. He has stated that he has no concern with the operation of the launch in question. He stated that according to him presently the adequate strength should be 5 Lascars and 1 Tindal for mooring operation and the present system was introduced after consulting the representatives of the workers and unions. He further stated that presently the strength of his gang is 4 Lascars and

1 Tindal and not 5 Lascars and 1 Tindal as stated by the earlier.

WW-21 is R.C. Singhania who is Assistant Supervisor in the Calcutta Dock Labour Board. According to him his job is to provide personnel for loading and unloading of consignments under the instruction of the Chief Officer. He stated that the scheme was introduced in 1956 and it was legalised in 1971. He further stated that at many places the Dock Labour Boards have been abolished and have merged with the Port Trusts but, it is existing at Calcutta. He further stated that the Dock Labour Board provides labour on board only for the purpose of loading and unloading and the shore operation is managed by the personnel of the Port Trust. He also stated that the work of stuffing and destuffing is done by Stevedores who engage their persons for the job. The witness further stated that Derrick Fitter has the job of lashing and unlapping and opening the hatches. He also stated that the job of GPM Carpenter is General Purpose Mazdoor and the job of Carpenter is to repair the broken cases and breaking the partitions. In his cross-examination, he has stated that his job is supervision of loading and unloading operation on board. He also stated that a Senior Supervisor is also deployed on board by DLB and both Assistant Supervisor and Senior Supervisor do the same job. He further stated that actually the manpower of the Dock Labour Board is deputed on being requisitioned by the Stevedores and the Port Trust does not pass any order or direction. He also further stated that presently the maximum cargo handling is in the form of containers and Carpenter is not booked for container handling. However, according to him for handling container cargo, 8 persons are required, i.e., 1 Signaller, 2 Winch Drivers and 8 labourers. Then, he says that actually 8 labourers are required for operation and the operation of cargo handling in the form of container will actually require for 4 persons, but in automatic Spreader Cranes even 2 persons will do. He also further stated that presently there are only few Ships coming with Derricks and in case of Ships Crane, there is no necessity of Derrick Fitter.

WW-22, Amal Baran Ghosh is Chief Clerk under the Dock Labour Board. He claimed that he is acquainted with the workings of the Dock Labour Board and deployment of workers is made on gang basis. He stated that gang consists of 8 persons which includes 1 Sardar, 1 Mate, 6 Senior Mazdoors. He also stated that DLB workers participate in stuffing and destuffing of containers and the number of persons deployed for stuffing and destuffing is 17. However, he has stated that he has no idea of the work of the DLBs in other Ports. He states that the present situation justifies continuance of gang of 8 persons in the operation. In his cross-examination he states that the strength of gang is fixed irrespective of the nature of the cargo handled. He also states that he has knowledge of the working of the dock and there are several kinds of cargo handled including bulk cargo, bagged cargo, palletised cargo, steel roles,

gunny bags, general cargo and containers and logs. He also stated that they handle loose cargo, but liquid is not handled. He stated that the same number of persons are required for container cargo as well as loose cargo, which appears to be funny. The witness further stated that the efforts are not the same in handling break bulk cargo and container cargo and he stated that he cannot say whether the same amount of effort is required in handling different kinds of cargo. He also has no idea of slinging of different kinds of cargo. He also stated that different kinds of slings are required for handling different kinds of cargo and in handling heavy cargo 4 people work for slinging and the other 2 persons manage to control heavy lift by ropes. He further stated that the effort made in handling the cargo in net sling is greater than that in heavy cargo. He, however, admitted that the efforts cannot be the same in handling the cargo mechanically and handling the same manually.

WW-23, S. Parasuram is a Senior Tally Clerk in Visakhapatnam Dock Labour Board. He also happens to be the General Secretary of the Visakhapatnam Dock Labour Board and Dock Workers Union. He claimed that he is working in the DLB for 34 years approximately and has complete knowledge of work of Visakhapatnam Dock Labour Board and he also claimed that he has knowledge of workings of other DLBs also. He stated that DLB at Bombay, Cochin and Chennai have merged with the Ports, which has also merged with Goa. He further stated that there was proposal of merger of DLB with Visakhapatnam Port also with the management of the DLB and the talks were in very much progress, but finally it could not materialise. He stated that the manning pattern is fixed by negotiation with Stevedores, unions and the management and when the modernisation and mechanisation was introduced at Visakhapatnam, manning strength was reduced. He also further stated that there is concept of gang system in Visakhapatnam DLB and the strength of gang is fixed on the basis of basic requirement. According to him there was no excess manpower in Visakhapatnam DLB, rather, there was shortage. He has further stated that upto 1994 the deployment was on the basis of optimum strength as decided by the Port, but it is not working after 1994 and on several occasions they represented in the meeting of the Board that the optimum strength should be maintained. According to him the Dock Labour Board is suffering because of the working of the Stevedores with their workers. He has stated that there are some wrong statements made in the statement of claims by the management. However, he further stated that they had not objected to the revision in the manning scale in the DLB and after the commencement of this Tribunal, revision in the manning scale was suggested by the management to which they were not prepared to discuss. He also stated that it is not possible to have uniform manning pattern in all the Dock Labour Boards in all the Major Ports, because it depends on several factors such as, nature of cargo, nature of

equipment and facilities of the Port. He further stated that it is necessary to maintain the present scale of manning pattern in Visakhapatnam Dock Labour Board. He has also stated that interchangeability of the workers was introduced in Visakhapatnam Dock Labour Board two decades back.

In his cross-examination, he has stated that there was a settlement on 2-8-2000 in which his Federation had also participated and it was decided to refer the matter to the National Tribunal. He further stated that Tally Clerk has to maintain account of the cargo being handled. He stated that in DLB they get output certificate from the Port and the certificate indicates what volume and quantity of cargo handled shiftwise. He also stated that they do not charge levy on the basis of output certificate; rather, they charge on the basis of gang supplied irrespective of the volume of work done. He also stated that incentive is paid on the basis of the tally sheet and they rely on tally certificate only and do not rely on the output certificate. He has further stated that he has no idea of work of Calcutta and Haldia Ports and has also no idea of the working of the Kandla Port. He has also no idea of the working of Mormugao Port, but he has some idea of Chennai, Mumbai and Cochin. He stated that according to him at Mumbai 1 Tally Clerk is deputed on board per hook, but he has no idea of the number of the Tally Clerks deputed at Chennai, Goa or Mumbai after the Merger of the DLBs. He further stated that at Visakhapatnam 4 Mazdoors are booked for handling container cargo, but he has no idea as to how many labourers are deputed on board for handling cargos at other Ports were DLB has not merged. He has stated that in DLB they are given minimum guaranteed wages for 21 days. He has further stated that in his opinion if the nature of cargo is the same and the equipment and infrastructure is the same, the strength of manning pattern can also be the same. He also stated that at their Port also the manning pattern is different according to the nature of cargo and equipment. He stated that different kinds of slings are used for different kinds of cargo in loose and bulk cargo. He also stated that if different kinds of slings are used then the requirement of manpower is also different. He has also stated that the draught has nothing to do with the requirement of manpower and manning pattern.

WW-24, G. M. Krishnamurthy is a Stores Supervisor at Chennai Port who is there for 24 years. He has stated that he has got experience of workings of the other Ports of the country also. He stated that DLB at Chennai has merged with the Port Trust in the year 2001, May and the changes were made in the manning of the DLB at Chennai before merger. He has stated that reduction in the manpower was made in May, 2001, which was through a settlement signed on 25-5-2001. He further stated that to his knowledge the productivity of the Port has not increased since after the merger took place. However, he stated that after merger the cargo in coal has stopped coming to Chennai and has shifted to Ennore, a new Port. So, the total volume of

handling of cargo has reduced at Chennai after the merger. He has also further stated that in his opinion there is no necessity of reduction in manpower at Chennai and the present position should be retained. In his cross-examination, he stated that he has never been a part of the cargo handling operation. He also stated that he has never worked in marine operation or equipment organisation and operation. He stated further that for some cargo, nature of equipments are required, but not for all. He further stated that for containers quay cranes are used and wharf cranes and stacking cranes are also used and for handling break bulk general cargo, they use cranes and for such cargo, Folk-lifts are also used for palletised cargo. He also stated that for handling break bulk general cargo, how many persons are deputed on board and how many persons are deputed on shore, he cannot say. He also stated that for handling of logs 12 + 1 persons are required and for handling break-bulk general cargo for each hook 12 + 1 persons are required. He also stated that for container cargo requirement is 4 persons and for palletised cargo 12 + 1. He proceeded to state that 2 kinds of slings are used for handling palletised cargo, but he does not know their names. He also cannot say what kind of sling is required for log cargo. Palletised cargo and break-bulk cargo and the requirement of slings are different. He further stated that there was a settlement regarding manning pattern on 25-5-2001. However, he cannot give the details of the provisions of the settlement regarding reduction in the Manpower. He denied the suggestion that there was actually no reduction at all by the aforesaid agreement. He has further stated that in 2000-2001 they handled 41 plus million tonnes of cargo and in 2001-2002 it has been reduced to 37 plus million tonnes. He, however, stated that they are trying to increase the volume of cargo output, but it will be known after the close of the year 2002-2003. He has also further stated that after reduction of work some persons have proceeded on V.R.S. and further recruitment has been stopped. There has been reduction in retirement age also and persons have retired on this account. However, he cannot give the figures of such retirement. He has stated that he is not aware of the manning pattern of other Ports such as Mumbai, Visakhapatnam and Mormugao and he had no occasion to compare the manning pattern of other Ports with that of the Chennai Port.

WW-25, Fakir Charan Pradhan is working as Berthing Supervisor at Paradip Port. He is working there for last 27 years. According to him the Administration Report of the Port shows that in 2000-2001 performance of the Port was good. According to him during the said year the total turn over of the cargo handled was 19 million tonnes and in 2001-2002 the total turn over was 21 million tonnes. He has stated that in 1998-1999, however, there was a severe cyclone in Orissa which had affected the Port badly and had caused damage to it, but, still the performance of the Port was good. He has also stated that the total manpower

of the Port in 2000-2001 was 4084 and it came down to 3661 in 2001-2002. He has pointed out some mistakes in the figures given by the management in their statement of claims and has stated that it is not possible to operate and manage the Tugs with the man-power suggested by the Management. He has stated that presently there are 20 persons deputed on the Tug-11 on deck side and 9 on engine side. He also stated that the management did not discuss with the union before deciding the manning scale. He also stated that it is not possible to have uniform manning scale for all the Ports, because of certain peculiar feature. In his cross-examination, he has stated that he has no idea of the working and conditions of other Ports. He also further stated that out of the 21 million tonnes handled in 2001-2002, 13 to 14 million tonnes was coal. He further stated that out of 13/14 million tonnes of coal, iron ore and chrome ore was included and fertiliser material was 1 million tonne. However, he has stated that he cannot give the turn over of other Ports and he is satisfied with his Port. The witness has further stated that everywhere in Mooring Launch, there should be 5 persons, though he has no idea at all as to what was the strength of Crew in the Tugs at Haldia and Mumbai. He has denied the suggestion that a Tug can be run only with 6 persons. He further stated that he will not be happy if 20 persons or 26 persons are deputed. He has further stated that all the Ports in India are tidal ports and all Ports have got mooring point, pilot boarding point and berthing point and according to him the difference between the Pilot Boarding Point to Berthing Point in his Port is 2 Kms., which is 100 Kms. at Calcutta, but he does not know of Mumbai and Cochin. He expressed ignorance to say that except for Calcutta the conditions are the same in all Ports. He has stated that for day-to-day maintenance the crew persons do it when the vessel is not in operation and for major repair etc. the vessel is sent to the dry dock of Marine Department.

WW-26, V. S. Padmanabha Raju is Operator Grade-II working in Ore Handling Plant at Visakhapatnam Port Trust for the last 24 years. In the operation of Ore Handling Plant, according to the witness, equipments used are Wagon Tipplers, Wagon Beetles, Stackers, Bucket Wheel Reclaimers, Ship Loaders, Conveyor Belt and repairing equipments and also Diesel Loco Engines. He also stated that Bull Dozers are also required. He further stated that for Wagon Tipplers, 1 Grade-I Operator is required and for Wagon Beetles, 1 Operator Grade-II for Stacker 1 Operator Grade I and 1 Operator Grade-II; for Bucket Wheel Reclaimer 1 Operator Grade-I and 1 Operator Grade-II; for Ship Loader 1 Operator Grade-I and 1 Operator Grade-II; and for each Conveyors 1 Operator Grade-II and for Belt Repairing Equipments 3 Operators Grade-I and 2 Operator Grade-II are required. He further stated that for Diesel Loco, 2 Engine Drivers are required and 1 Operator Grade-I is posted for Bull Dozer. He further stated for maintenance of Plant, both mechanical and electrical personnel are required and according to him on mechanical side 40 persons and

on electrical side 34 persons are posted in each shift consisting of 3 shifts and there is a general shift also for emergency and breakdown. According to him in general shift the strength of personnel is 60. He stated that the Ore Handling Plant in Visakhapatnam came into existence in 1976 and the manning pattern was decided at the time of commissioning of the Plant. He stated that there is no addition or modernisation in the Plant since then and there is no necessity of reduction in the man-power. In his cross-examination, he has stated that the strength of employees attached to the Ore Handling Plant is 600 and odd and there are 60 persons from mechanical side for maintenance in general shift and there are also 60 persons from electrical side for maintenance in general shift. The duration of the general shift is being from 7 A.M. to 4 P.M. He has also stated that the total volume of handling by this Ore Handling Plant during the last 4 years has been 9.15 million tonnes per year. However, he stated that he has no idea of this kind of Plant at Chennai, but there are such plants at Chennai, Paradip and Mormugao. He stated that at Haldia there is a Coal Handling Plant, but he has no idea of working of any of these plants and according to him there was no modernisation of the ship Loaders at their Plant.

WW-27, B. Ramarao happened to be the Senior Inspector of Visakhapatnam Dock Labour Board and since he has retired. He was there for 32 years. He has claimed that he is very much aware of the system of booking of labour from Dock Labour Board. He has stated that except in the case of ore, fertiliser and foodgrains, workers of Dock Labour Board are posted on board as well as on shore, but in the case of other three nature of cargo, the workers of DLB are placed only on board. According to him there are two schemes for labourers in the DLB. The first scheme according to him, is Visakhapatnam Dock Workers (Regulation) 1959 and the other one is Visakhapatnam Unregistered (Regulation of Employment) Scheme, 1968. He further stated that workers are deployed on board according to the first scheme and deployment on shore is governed by the second scheme. The witness also further stated that in three phases interchangeability scheme have been introduced in the matter of Visakhapatnam Dock Labour Board and very recently the workers two categories of schemes have merged and brought under the first scheme. He has stated that previously the system of allotment was in gang, but now it has been given up and the manning scale is decided according to requirement. He has stated that manning scale is also revised from time to time and revision is made by the management in consultation with the representatives of the employees. In his cross-examination, he has stated that the present practice is that the levy is collected on the basis of the deployment of labour by the DLB and not on the basis of the output certificate and the incentive is not paid to the workers on the basis of output certificate; rather, it is paid on the basis of the tally report submitted by the Tally Clerk. He further stated that the incentive is paid on

the basis of the actual work done by the workman. The witness further stated that for break-bulk general cargo, 12 persons are supplied by the DLB and the manning scale is fixed for the different nature of cargo. He stated that for different types of cargo, different scales of man-power in the form of gang is fixed. He has stated that for handling containers on board, 8 persons are deployed and if the requisition is not according to the manning fixed, they refuse to honour the requisition. He has stated that the deployment of workers is made only on the basis of the manning scale and not otherwise.

WW-28, B. S. S. Murthy is a Marine Foreman in Visakhapatnam Port and is working there for last 20 years. He has stated that he has thorough knowledge of the work of the Marine Deptt. at Visakhapatnam Port and according to him in his Port in the Marine Department there are 7 Tractor Tugs and only 5 Tugs per shift work. He stated that the Tugs work round the clock and the staff is posted in 5 Tugs in operation per shift. He also stated that in each Tug, in each shift, the deputation is 1 Master Grade-I, Serang 1, Winchman 1 and Lascars 5. Thus, the total is 8 persons. He stated that they are also having 2 Survey Launches and on Survey Launch the deployment is 1 Tug Master Grade-II and 3 Lascars. He also stated that these launches work only in morning shift, i.e., 6 A.M. to 2 P.M. He also stated that they have 4 Pilot Launches and deployment for Pilot Lauches is 1 Tug Master Grade-II and Lascars 3. He stated that the Pilot Launches also work round the clock in three shifts. They have also 3 Mooring Launches and the scale of deployment is 1 Serang and 1 Lascar. He stated that apart from these, other 25 persons are deployed in 5 teams for mooring operation. The composition of each team being 1 Tindal and 4 Lascars. He also stated that they have 520 Grab Dredgers and the deployment scale is 1 Dragging Foreman, 1 Checker and 5 Lascars. In this way he has stated about different crafts of the Port. However, in his cross-examination, he has stated that he has no knowledge of the vessels and crafts in other Ports in India and has no knowledge of the deployment of crew over those vessels and crafts.

WW-29, S. K. Shetye has filed a long affidavit. He happens to be the General Secretary of the All India Port and Dock Workers Federation (Workers), which is marked here as Federation No. 2. He also happens to be General Secretary of the Mumbai Port Trust Dock and General Employees Union from 1995. He stated that he had been a Trustee of the Mumbai Port Trust for 8 years and has represented the labour as Trustee at Mormugao Port for 22 years. The sum and substance of his statement in the affidavit is that the management has tried to over-emphasise on the aspect of restrictive practices and manning scale, but he does not agree with it. He has stated that for deciding the manning scale various Port activities should have been taken into consideration, but it has not been done. He has stated that actually for studying the actual condition the

position of infrastructure, machineries and equipment, local conditions, managerial, efficiency, back-up services, volume and kind of cargo at various Ports should be taken into consideration. He has also given the present manning scales of the different operations in Mumbai Port, including Indira Dock, P & V Docks and Jawhar Dweep etc. He has stated that the proposal of the management regarding uniform manning scale for similar types of crafts in all the Ports does not appear to be correct and according to him the local conditions differ from Port to Port and the fluctuation of water levels due to ebb tides and high tides, velocity of stream currents, break waters, distance from harbour entrance, draft, number of berths, sea-swells, facilities provided to the port users, machineries and equipments etc. differ from Port to Port and, therefore, there cannot be any uniformity in the matter. However, in his cross-examination, the witness has stated that he happened to be signatory on behalf of his Federation to the Wage Settlement of 1994. He has also stated that if the cargo handling is done with identical equipment, the handling cycle should be the same irrespective of the place where the Port is located in general terms. He has also admitted that the present rope with which the ships are tied is of lighter quality. He has stated that according to an agreement in 1995, there was some reduction in the strength of permanent shore Lascars, but he stated that the total strength of Lascars was 72 in 1995 and still it is the same. He has also stated that the difficulty is that in absence of any crew member the substitute is not put in work. He has stated that in 1995 all the berths were operating and average number of incoming ships and outgoing ships have considerably reduced by now. He stated that in 1995 the average number of ships coming to dock during a period of 24 hours was 20 to 25 in 3 docks, but presently the number of incoming ships is around 10 to 12 only and the situation varies from month to month. He has also stated that Princess & Victoria Dock has been closed for cargo carrying ships. He has further stated that the job of the Drivers in the Tugs or Launches is to switch on and off the engine and to have a watch on it. He further stated that the job of driver is identical in all the Ports and in similar circumstances, the job of other crew also remains the same and identical equipments have the same function and movement anywhere. Regarding his complain of acquisition of latest crafts, he has stated that the vessel SANSHODINI was acquired only 3/4 years ago and some new Tugs were acquired only the previous year, but after the commissioning of these vessels and Tugs, no revision in manning pattern has taken place. He has also stated that lock gate entrance system is available at Mumbai and also at Calcutta and Haldia, but the level of water is not likely to effect the movement of the vessels and crafts, though it may make some difference when the tidal condition is high. He has also admitted that tidal waves are available everywhere in all the Ports and he is unable to either confirm or deny that the Tug assistance distance varies from 2.5 Kms. to 3.5 Kms. in all the Ports.

WW-30, P. Venkata Rao is working as Junior Engineer in the Mechanical Department at Visakhapatnam Port. He has given the details of the crafts and vessels in the Port and has also given their manning pattern. In his cross-examination, he has stated that he has no concern with the marine Department and he works in a Dredger. He stated that he has not worked in any other vessel and worked in launches also. He has also stated that he has no knowledge of the working of the vessels in other Ports than the Port of Visakhapatnam and he has no knowledge of the manning pattern of different vessels in other Ports. He has also not done any survey of the manpower requirement of the vessels.

WW-31, M-Satya Rao is a retired workman of Visakhapatnam Port and he retired as Senior Assistant. He has stated that in 1997-98 the handling of cargo was 36 million tonnes which was 35 million tonnes in 1998-99, 39 million tonnes in 1999-2000 and 44 million tonnes in 2000-01 and a little less than 44 million tonnes in 2001-02. He has also stated that in 1997-98 the manpower was 9628, which was 9452 in 1998-99, 9108 in 1999-2000, 5900 in 2000-01 and again 5900 in 2001-02. He has also stated that so far as net surplus in the port is concerned, in 1997-98 it was Rs. 75 Crores, which came down to Rs. 68 Crores in 1998-99 and again it came down to Rs. 29 Crores in 1999-2000 and to Rs. 19 Crores in 2000-01 and according to him in 2001-02 it was less than Rs. 19 Crores. He has stated that due to reduction in the number of workers and increase in the volume of work, some work has been given to private workers and, therefore, the situation has occurred. He has stated that according to the latest administration report of Visakhapatnam Port, there are 18 Fork-lift Trucks in operation and out of it 6 are working and the rest have been disposed of. He also stated that the management did not procure fresh Trucks to replace these Trucks. He also stated that the cargo handling work in the circumstance is being done by the private contractor. In his cross-examination, he has stated that he cannot say as to what was the quantum of liquid bulk cargo out of the total volume of cargo handled during the respective years. He also cannot give the details of the nature of cargo handled during these years. However, he has stated that the major cargo handled at the Visakhapatnam Port are oil and iron ore. He also cannot give any reason regarding increase in cargo handling during these years. He stated that manpower is required for handling for liquid or oil cargo, though the cargo is handled through pipeline. He cannot give any detail what is the manpower requirement while handling oil and according to him the iron ore is also handled with conveyer belt. He has stated that he has no idea that in 1997-98 DLB workers were working on shore for handling cargo. He also does not know that the CLB workers are still working on shore in handling cargo. He stated that in 1997-98 private Fork-lifts were being used for handling cargo both on board and on shore. He has further stated that the private contractors have been given the work of maintaining

railway tracks and not for handling the cargo and he has also stated that the persons who are manning the hired crafts are private workers and not the port workers. He has also no knowledge as to what is the manpower engaged in operating the private launches. He also does not know whether more number of persons are engaged in operating the private launches or the launches of the port. He has stated that Fork-lifts are used for handling foodgrains, container cargo and fertilisers in bags. He stated that he has no knowledge about function of the Fork-lift also.

32. So far as the pleadings and evidence of the parties are concerned, the same have been discussed in detail above. It may be noted that many unnecessary and irrelevant things have been stated by the parties, both in pleadings as well as in the evidence and many irrelevant documents have also been filed. One things must be stated at the outset before recording the finding that at the time of argument most of the Federations started telling that the matter should be referred for mutual discussion and arriving at some agreement between the management and the Federations representing the workman, but the management did not agree to it on the ground that the very reason behind the decision to refer the matter for adjudication was that proposal of the management at the time of discussion during finalisation of the agreement dated 2-8-2000 was not acceptable to the representatives of the workmen. In this connection, it is important to note that in the settlement dated 2-8-2000 the benefits and facilities to the workmen were discussed and decided and the management proposed that the workmen should agree on the point of fixation of the manning on the basis of necessity and requirement and some other related matters also, but the unions and federations did not agree to it and then the method of referring the matter for adjudication was devised and so the present reference is an agreed reference and it becomes binding on all the parties concerned including the workmen who join service hereinafter also. It is true to a very large extent that actually the decision to make reference to this Tribunal was taken under a peculiar circumstance and at this stage there is no question of again leaving the matter undecided without adjudication of the issues involved in the reference, because there is little likelihood of the parties arrived at the agreed conclusion.

33. On consideration of all the matters placed before this Tribunal it becomes clear that there were 11 major Ports in India at the time of reference and there has been a subsequent addition to this list, because Ennore Port came into existence in the state of Tamilnadu after the reference was made. It is also clear that the major Ports are governed by the Major Port Trusts Act, 1963 on acted by the Government of India for constitution of the Port Authorities for some major Ports to vest the administration, control and management of such Port in such authorities and for matters connected therewith. It is also clear that there is an Association of Major Ports known as Indian Ports

Association which is representing the Major Ports in this adjudication proceeding. The said Association is a registered body under the Societies Registration Act, 1860 and it appears from the Articles of Association that the Association has been set-up with the object of providing common service to all the major Ports in India and to negotiate on behalf of the management of the major Ports with different agencies including the Federations of Unions of the Port & Dock Workers in the matter of wage negotiation and allied service conditions of the Port & Dock Workers. It is also clear that the IPA is authorised to sign memorandum of settlement with the Federations of unions in the matter of conditions of service, wage structure etc. for the Port and Dock Workers of Major ports and Dock Labour Boards of India. The Articles of Association has already been placed on record apart from the statements made to this effect in the statement of claims by the management. The Document is Ext.M-1. the matter has also been made clear in the evidence of MW-1 and WW-29 in his cross-examination has also admitted this position, because he has admitted that the negotiations with the Federations are held with the representatives of the Indian Ports Association on behalf of the management of the Port Authorities and it is IPA that invites the representatives of the Federations in the negotiations, makes payment of travelling allowances etc. and signs the settlements on behalf of the management of the Major ports. So, the objections raised on behalf of the Federations regarding the status and competence of IPA to represent the case of the Major Ports appears to be of no significance.

34. It also further appears that the two main component of the operational efficiency of the Port are the performance of its employees and efficiency of equipment use. The Port is an operational system made up with number of sub-systems. So, if a Port is to operate at an optimum efficiency, to minimise the cost to ocean transport, it is essential for all the necessary sub-system to attain a degree of efficiency. It also appears that there are some factors which contribute to the operational efficiency of the Port. It may be mentioned that the Federation No. 2 in its written statement has not disagreed with the aforesaid position stated in the statement of claims of the management. It also appears from the evidence that the total traffic handled by the 11 Major Ports in 1999-2000 was 271.91 million tonnes and out of it 116.71 million tonnes were liquid bulk, for handling of which deployment of manpower is not required as the same are transported through pipelines. The quantum of POL traffic is 45% of the total cargo handled. It also further appears that iron ore and coal are handled in Ports mechanically for which contribution of worker is negligible and this cargo constitutes 27% of the total cargo handled by the Ports during the relevant year. Then, the container cargo constitutes about 10% of the total cargo handled and for handling containers, contribution of the workers is also negligible. This fact is supported by MW-12 in his evidence

and the Federations have not disputed the position also. It also further appears that on 31-3-2000 the total manpower in the 11 Major ports and 7 Dock Labour Boards was 100425. This position has also not been disputed by the parties. It also further appears that on 16-12-1994 a settlement of wage revision for Port & Dock Workers was arrived at between the management and Federations of unions, copy of this settlement has been marked Ext.M-2. It appears from Clause 25 of the settlement that all the parties had recognised that the Indian Port Transport Industry needs to be competitive not only in the world maritime trade, but also in the global market for ensuring economic growth with social justice and employment generation. It also further states that all those employed in the port transport industry agreed to give their whole-hearted and sincere effort in the national effort in boosting the Indian exports. It also further appears from the clause aforesaid that both the parties agreed to make joint efforts in all these spheres of port activities for improving the parameters of judging Port performance like gang shift output, ship birthday output etc. by levels set out in achieving reduction in the turn-round time of the vessels. It also further appears that for achieving this objective and to minimise the use of available manpower and financial resources, equipment and port capacity through increasing productivity, reducing cost and assuring financial viability to generate surplus for upgrading and expanding infrastructure of all the Major Ports. It appears that the said settlement was operative for a period of 5 years, i.e., from 1-1-1993 to 31-12-1997 an on expiry of the period of the said settlement fresh negotiation started between the management and the Federations and another settlement was arrived at on 2-8-2000. This settlement is also marked Ext.M-3. This fact is also undisputed.

Now it appears from paragraph 35 of the settlement dated 2-8-2000 :

“PRODUCTIVITY AND ECONOMY MEASURES”

All the parties recognise that the Indian economy has reached the take off stage, which calls for adopting the strategies used by the ports worldwide to address problems under similar circumstances. Technological upgradation higher productivity and resource generation are imperative. The challenge emanating from intra and/or interport competition, within the country/region, calls for urgent need for improvement of efficiency and customer satisfactions, augmentation of financial viability and new enterprise culture in the major ports. To achieve these, the following issues will be referred to an adjudicator under I.D. Act, 1947 for adjudication. The adjudicator will take into account the local conditions of each port and other relevant factors and if need be, take the assistance of experts, and also hear the views of the parties on report of the expert before giving his award. The award, which

will be binding on both the parties, should be finalised within a period of 6 months.

- (i) Deployment of workers for any task will not be gang based but will be need based with reference to the nature of job or cargo. Notional booking of workers will be discontinued.
- (ii) Manning scale of similar vessels and equipment will be uniform at all ports. Norms will be fixed on the basis of the lowest manning level in existence.
- (iii) There will be uniform manning scale for similar tasks. Norms will be fixed on the basis of the lowest manning level in existence."

It appears further that a settlement arrived at in course of conciliation proceeding under the Industrial Disputes Act shall be binding on all the parties who are signatory to the settlement, all the workers of the establishment as also future workmen. It appears that the memorandum of settlement dated 2-8-2000 is a settlement arrived at in course of conciliation proceedings and all the terms and conditions of the settlement is binding on the parties. It also appears that paragraph 35 of the settlement is an agreed terms of settlement and the parties having accepted the terms have signed the settlement. So, a reading of paragraph 35 shall reveal that the need for improvement of efficiency, customers satisfaction, augmentation of financial viability and new enterprise culture has been duly recognised and accepted by the parties in this particular term of the settlement and that is why the signed the same. It appears that to meet the need as mentioned above, the parties also decided about the course of action and framed the issues for adjudication and accordingly the schedule of reference is also agreed and the findings have to be confined to the schedule of reference in course of adjudication, but unnecessary and irrelevant things have been stated as observed and evidence has also been led in same fashion.

35. It may be noted that Port essentially a point at which sea-borne cargo is transferred one mode of transport to another and on the seaward side the port is concerned with the flow of ships bringing the cargo for discharge and load cargo aggregated at port for different destinations. On the other hand, landward side cargo is brought by road/rail or by inland water transport and is transferred into ships and vice versa. So, in order that entire operation be smooth, both aspects of the port operation must be efficient between land transport and sea transport, there lies storage and handling facilities of a port. The activities in Ports are broadly classified as operational and supportive. Operational activity include handling of cargo, equipment operations, movement of vessels and crafts etc. and supportive activities include maintenance of equipments, administration, health, canteen and other activities. There is usually a choice of ports for port users. The minimum cost borne by the trader for using the services of any

particular Port would make it the most frequent to call, although physical distance from the hinterland to the Port is also a factor. The factors which influence the choice of a Port include proximity to natural hinterland, accessibility, port capacity and Port efficiency among the competing Ports. The present management system, organisational structure and labour practices have been inherited from labour intensive conventional cargo handling method. It has led to sizeable workforce at the Ports which is far above compared to what they are elsewhere. It appears that over the years numerous restrictive labour practices have developed and job classifications are strictly demarcated in separate water tight compartments. So, the workers refuse to be transferred from one unit to another within the same sub-section. It also appears that excessive manning levels in all spheres of activities, delays in reporting to work, earlier stoppage of work, deliberate slowness etc. affect productivity and enhance port costs. It also appears that port labour over the years resisted most of the schemes for improvement of productivity and removing the restrictive practices. So, it is essential that labour and management reforms must progress abreast with modernisation and development schemes in the major Ports to enable Indian Ports to compete in international market. In this connection, it is necessary to mention that the Federations have put much emphasis on the size and scale of the management and acquisition of the modern and latest technologies. There is no denying the fact that these two factors are also very essential for development and progress of the Port, but here the Tribunal is not concerned with all those matters, because they are outside the purview of the scheduled of reference.

36. It is also clear that there has been some studies from time to time by some institutions and organisations, such as, National Institute of Training and Industrial Engineering, National Productivity Council, Port Performance Committee, Cornel Groups, RITES and the World Bank. It also appears that these studies have suggested some improvement in the advanced technology. So, it is also essential for the development of the Ports. It appears from the report of the study conducted by the World Bank that it had identified a number of restrictive practices wide spread in the Ports which collectively limit the efficiency of man-power and these include excessive manning, bad time-keeping, poor deployment and unofficial payment schemes. These ultimately have a major impact on port efficiency and on the cost of moving cargo in international maritime trade. It can be seen from Ext. M-43. It also appears from the report that the port labour has over the years resisted most schemes for improvement of productivity while not being able to stop slow attrition of the Dock Labour Boards. In this document the World Bank recommended that labour gangs should be interchangeable, salary and working conditions should be unified and administration simplified. It further appears that the cargo handling operation in major ports has two distinct

divisions, i.e., on board and on shore. On board activities is the responsibility vesting in the ship owner and carried out through stevedores excepting at JNPT and Haldia. It also appears that at Calcutta, Visakhapatnam and Kandla workmen registered with respective Dock Labour Boards are requisitioned by the stevedores to handle cargo, other than those handled by mechanised loading and unloading equipment or pipelines. In order to unify on board and on shore workforce with interchangeability amongst them for their optimum utilisation, the Dock workers (Regulation of Employment) (In applicability to Major Ports) Act, 1997 was enacted. It also appears that at Ports of Mumbai, Cochin, Chennai and Mormugao the DLBs have been taken over by the respective Ports and it also appears that at Cochin interchangeability between on board and on shore workers has been achieved. It also further appears that the cargo that passes through the Ports can be broadly classified into bulk cargo—dry and liquid, break-bulk and containers. The break-bulk cargo is loose cargo which come in different packaged formes, such as, crates, drums, cartons, bags, bundles, rolls etc. Dry-bulk cargo includes iron ore, coal fertilisers and its raw materials, foodgrains, alumina etc. in bulk form. Dry-bulk cargo such as fertilisers, wheat, sugar, ores and minerals come mostly in bulk form, but on occasions, they are also transported in bagged condition. Certain items like coal, fertilisers, salt etc. in bulk form are handled adopting conventional method as well, using slings and cranes as in the case of break-bulk cargo. At some of the Ports mechanised bulk cargo handling plants have been installed for loading of coal and iron ore and also for unloading coal, fertiliser and its raw materials and foodgrains etc. Most of the major Ports n India offer a combination of some dedicated bulk cargo terminals, a few sophisticated container terminal and majority of conventional general cargo berths, though the methods adopted and equipment used for handling are more or less same at all the major Ports, when it comes to the question of deployment of man-power, the categories and number of men deployed differ widely. So, the necessity has arisen now to adopt uniform system of deployment of man-power at all major Ports. It also appears that loading and unloading of liquid bulk cargo does not necessitate deployment of man-power at ship/shore interface. It may further be noted that in the port sector the technological developments have led to many changes in the cargo transportation system and thereby in the cargo handling methods. Break-bulk cargo earlier used to be handled in loose form, but now these are stuffed in big boxes called containers and transported from the point of origin to destination, apart from unitisation, pre-slung bags, palletisation etc., changing over from manual to mechanised handling. It appears that handling of cargo in break-bulk condition has steeply dropped at most of the ports and instead the ports are handling more and more containers or unitised cargo. For handling containers, capital intensive facilities like heavy-duty equipments and civil structures have been

provided at the major container handling ports. Bulk cargo, on the other hand, requires bulk cargo handling equipments, such as, Grab Cranes, Conveyor system, Wagon Tipplers, Stackers, Reclaimers, Ship Loaders, bagging and stitching machines etc. and the same have been installed at number of ports, in addition to procurement of Fork-lift Trucks, Tractor Trailers, Mobile Cranes, Dumper Truck, Front-end Loaders etc. So, with the changes in handling method due to advancement in technology the changes in the manning pattern is also required commensurate with the changes in technology.

37. The categories of man-power deployed and the manning scale for handling different types of cargo were evolved historically without any scientific study. It appears that though the cargo bagging, cargo handling methods and cargo handling equipments have undergone tremendous change, very little change has taken place in the deployment pattern of man power at the Indian Ports. So, there is an absolute need of rationalisation and the present compartmentalised method of handling of cargo requires to be done away with. It is also necessary to introduce unified cargo handling system and adopting an uniform practice and manning scales at all the ports to ensure optimum utilisation of workforce and a cost effective service. So far as cargo handling is concerned, the method adopted and the equipment, whenever necessary for handling cargo are basically the same; but so far as the manning is concerned, for handling such cargo, either fully manually or with equipment aid, there is wide variation existing from port to port. The variance of the man-power for handling cargo handling operation is mainly because of legacy of cargo handling in the country. The system is presently continuing at all the major Ports is deployment of cargo handling workers in the form of a gang. The shore workers as well as dock workers have been grouped into various gangs with variable strength depending upon the nature of the cargo work and the composition and the strength of gang varies from Port to Port. The activities presently perform by these gangs being similar in nature, their physical effort should be the prime consideration, having same type of workforce to work on shore and on board will definitely result in greater flexibility and effect optimum utilisation of man-power. It is suggested on behalf of the management that under the need-based manning scale, the gang concept requires to be done away with. It is suggested that a pool of workman under each category essential for cargo handling should be maintained and the requisite number of man-power from each category should be deployed on the basis of the nature of cargo operation and actual requirement. The deployment of workers in cargo handling operation, therefore, should be need-based as per actual requirement and not gang based. This position has, however, been admitted by the witnesses both on behalf of the management and on behalf of the Federations. WW-I has admitted that the deputation of workers should

be on the basis of requirement. WW-2 has also stated that man-power should be deployed according to the requirement and for handling break-bulk cargo more man-power is required than the container cargo. WW-5 has also stated that the workmen should be deputed as per actual requirement of work and agreed that the present gang is not splitted as per requirement. Similarly, WW-11 also stated that the gang is fixed and cannot be splitted. WW-13 has stated that deployment of workers should be on the basis of actual requirement. WW-22 has stated that the strength of gang at present remains fixed, irrespective of the nature of cargo handled and has also admitted that efforts in handling different types of cargo are different. Then, WW-23 has stated that in his opinion if the nature of cargo remains the same and the equipment and infrastructure is the same, the strength of manning pattern can also be the same. He has also stated that if different kinds of slings are used, then the requirement of man-power is also different. WW-29 has also admitted in his cross-examination that if the cargo handling is done with identical equipment the handling cycle should be the same; irrespective of the place where the Port is located in general terms. This witness happens to be the General Secretary of the Federation No. 2.

38. It has to be considered that it has been established that the existing gang-based deployment pattern should be done away with and need-based system should be introduced. So, for the purpose of fixation of need-based manning, it is necessary to understand the operation for handling of cargo. For deciding the issue the two main components are the operational cycle and allocation of work-load. For conventional method of cargo handling, the operational cycle on board the ship in case of import discharge is formation of sling load on board the vessel, transfer of sling from ships hatch to shore by ships crane or derrick of shore-based crane and placing of sling load on the quay. So far as shore operation is concerned, the cycle is unslinging of the load on the quay or unslinging of the load directly on the Tractor Trailers for direct delivery from hook point or transportation of the cargo to stacking yard or shed or stacking at the yard or shed. For export category the process will be just reverse. It appears that the aforesaid operational cycle for handling of cargo on conventional method remains the same irrespective of the nature of cargo and location of the Port. The basic need for deploying workers, therefore, centres around those operations depending on whether being carried out totally manually or a combination of manual task aided by mechanical equipment support system or totally by mechanically or automatic devices. So, considering the operation cycle for handling of identical cargo irrespective of the location of the port, fixation for manning scale suggested as (i) For preparing the sling on board the ship, a category called Mazdoor would be required; (ii) For supervising the work of the Mazdoors, there will be a Tindal, though the designations presently are different; (iii) 1

Signalman will be required to give signal to Crane Operator for safe operation of the crane in transferring the load from ship to shore or vice versa; (iv) There should be a Crane or Winch Operator, if ships crane or derrick is operated; (v) In case of shore-based crane, Crane Operator will be there is place of on board Crane/Winch Operator; (vi) For keeping accountal of the cargo, a Tally Clerk will be required and (vii) The number of Mazdoors on board will vary from commodity to commodity as per the actual requirement depending on the efforts required to be given in handling a particular type of cargo and, accordingly, different kinds of cargo handled should be discussed.

39. So far as the loose cargo is concerned, it is in small packages and manually put on the slings inside the hatch of the ship and thereafter the sling is fixed on to the hook of the Ship Board or Shore Crane. Thereafter the Crane Driver transfer the loaded hook sling from the ship hold to the shore and the loaded sling is off loaded either on a truck or trailer or on quay. Thereafter the cargo is directly delivered, if the Truck goes out of the port premises. In most of the cases the cargo is off-loaded on the quay and transported to nearby storage area, either by mobile cargo handling equipment, such as, Fork-lift Truck, Trailer etc. or by handcarts depending on packaging and weight of the cargo. Based on the type of cargo and nature and quantum of work, the number of Mazdoors required on board and on shore should be 4 and 6 respectively and if the cargo is directly delivered, the number of Mazdoors on shore should also be 4. In the export leg reverse operation will happen and the manning scale for handling of break-bulk general cargo both on board and on shore may be like this. On board 1 Tindal per vessel, 1 Signalman per hook, 4 Mazdoors per hook. On shore 1 Tindal per vessel, 1 Tally Clerk per hook and 6 Mazdoors per hook, but in case of heavy loads like steel coils weighing 10 tonnes or more, packages, coated pipes, granite blocks etc. which require only the attaching the sling to the hook of the crane inside the hatch and detaching on the quay or vice versa, only 2 Mazdoors may be sufficient to be booked on board as well as on shore.

40. So far as the handling of palletised/pre-slung/unitised cargo is concerned, the operational cycle is the same as that of general break-bulk cargo, but this group of commodity required to be handled with mechanical aid both on board and on shore. The necessity of Mazdoors on board and on shore in this case should be less than what is required for break-bulk general cargo. For handling palletised/pre-slung/unitised cargo, the requirement of Mazdoors on board and on shore should be 2 and 4 respectively and the total manning should be on board 1 Tindal per vessel, 1 Signalman per hook, 2 Mazdoors per hook. On shore 1 Tindal per vessel, 1 Tally Clerk per vessel, 4 Mazdoors per hook and Crane Operator will remain the same as for break-bulk general cargo as the process of handling operational cycle and needs remain the same.

41. So far as bagged cargo is concerned, handling effort on board for sling formation/breaking will be same as on shore, irrespective of cargo is moved on ground to/ from or directly delivered/shipped. Efforts on shore will vary depending on whether the bags are delivered/shipped directly or transported from the hook point to the storage area and vice versa. The transportation on shore to the storage point or vice versa involves use of handcarts, Fork-lifts, Tractor Trailers etc. For this type of cargo operational cycle is also the same as that of the break-bulk general cargo. So far as the man-power required is concerned, the need varies so far as the number of Mazdoors is concerned and the adequate number suggested is 4 Mazdoors on shore and 4 Mazdoors on board, if it is directly delivered, otherwise, the number of Mazdoors will be 8 on shore, because 4 Mazdoors will be required at hook point and 4 at Stacking point. So, the Manning suggested is on board 1 Tindal per vessel, 1 Signalman per hook, 4 Mazdoors per hook. On shore for direct delivery, 1 Tindal per vessel, 1 Tally Clerk per vessel, 4 Mazdoors per hook and on shore if the cargo is stored in shed or yard, 1 Tindal per vessel, 1 Tally Clerk per vessel and 8 Mazdoors per hook.

42. So far as iron & steel cargo is concerned, the parcel weight of steel consignment depends on number of pieces bundled together, whatever may be the form of bundling, the parcel weight usually does not exceed 5 tonnes because of inconvenience in handling hither parcel weight. However, compressed steel coils even weigh 30 tonnes plus and for this commodity sling formation/ breaking required only 2 Mazdoors as the process between one sling formation to the next involves certain gap in between hook-cycle time, no additional need for Mazdoors arises in this segment of handling and similar position prevails for handling this group of cargo on shore for other categories of workers like Crane Operator, Signalman, Tindal and Tally Clerk, Manning will not undergo any change to those required for handling break-bulk general cargo, bagged cargo, palletised and unitised cargo as the process of handling remains the same. So far as deployment of man-power for handling iron and steel is concerned, the number of Mazdoors on board is required to 2 and on shore, if directly delivered, otherwise it will be 4. Depending on the shape and size of the iron & steel consignment, the equipment support given is in the form of tractor trailer combination, mobile cargo handling cranes, yard based electric crane and sometimes heavy duty fork-lifts. Manning for this type of cargo should, therefore, be according to the management on board 1 Tindal per vessel, 1 Signalman per hook, 2 Mazdoors per hook. On shore, if directly delivered, 1 Tindal per vessel, 1 Tally Clerk per vessel and 2 Mazdoors per hook. On shore, if stored in stacking place, 1 Tindal per vessel, 1 Tally Clerk per vessel and 4 Mazdoors per hook.

43. So far as handling of logs is concerned, sling formation requires 2 Mazdoors as in the case of iron &

steel cargo and, therefore, the system of handling logs is the same as in the case of iron & steel consignment. So far as Manning of Mazdoor is concerned, is the same as in the case of iron & steel, but if it is directly taken by grab, the number of Mazdoors on shore should be restricted to 2 only. So, the suggestion regarding Manning for handling of logs is on board 1 Tindal per vessel, 1 Signalman per hook, 2 Mazdoors per hook and on shore in case of direct delivery, 1 Tindal per vessel, 1 Tally Clerk per vessel, 2 Mazdoor per hook. It is also stated in this connection that in case of logs handled by mechanised log loader, Manning of Mazdoor is not at all required. So far as on shore operation is concerned, if the logs are stored in stacking yard, the suggestion for requirement is 1 Tindal per vessel, 1 Tally Clerk per vessel and 4 Mazdoors per hook.

44. So far as dry-bulk (manual) is concerned, the cargo consists of fertilisers and its raw materials, chemical concentrates, foodgrains, coal, ore, coke, salt, coaltar pitch, oil extractions etc. It is stated that when handled manually, in the import leg, formation of sling load by shovelling from the bulk stack inside the hold of the ship is required. This activity needs more Mazdoors for which requirement has been assessed as 6. It is also stated that if the sling filling is done by Pay Loaders or by other mechanical means, the activity can be viewed as semi-mechanical, for which Mazdoors will be required only for tying/untangling of slings. Therefore, it requires only 2 Mazdoors. Shore side import operation will need minimum number of Mazdoors because of confinement of activity to tying and untangling of slings only. On the export leg, generally, no manual handling of cargo is done and the cargo is usually dumped in the Pay Loader, Dumper trucks etc. which are used for formation of sling load like thermal coal at Visakhapatnam, salt at Kandla. It is stated that no tally Clerk will be necessary as cargo volume is determined by survey of vessels draft. So far as dry bulk cargo excepting coal and iron ore is concerned, usually net sling and mat sling are used for handling such cargo. It is stated that on shore only 2 Mazdoors are required for discharge and for on board it should be 6. It is also further submitted that for shipment of such cargo the requirement should be 6 on shore and 2 on board. In this system of loading there is an equipment called Pay Loader, which actually aggregates the load and Mazdoors only will be required for slinging and unslinging. If this equipment is given, the number of Mazdoors would be 2 each on board and on shore. However, it is submitted that so far as handling of coal and iron ore is concerned, the pattern is the same, but sling is different. For its manual handling the number of Mazdoors required is the same as in the case of dry bulk general cargo. In case of dry bulk cargo, since the mechanical equipment is used to a great extent, the necessity of involvement of Mazdoor is reduced to nil. It is also submitted that in case of dry bulk cargo, necessity of accountal is also not required by Tally Clerk and the Manning for handling dry bulk cargo manually,

semi-mechanically and fully mechanically has been suggested as follows :

- (1) For dry bulk handled manually, on board 1 Tindal per vessel, 1 Signalman per hook, 6 Mazdoors per hook. On shore 1 Tindal per vessel and 6 Mazdoors per hook.
- (2) For dry bulk handled semi-mechanically on board 1 Tindal per vessel, 1 Signalman per hook, 2 Mazdoors per hook. On shore, 1 Tindal per vessel and 2 Mazdoors per hook.
- (3) For dry bulk cargo handled mechanically, it is stated that in mechanised handling of consignment of scrap, hazardous chemicals concentrates and all types of fertiliser and its raw materials, there is no involvement of Mazdoor at any stage on shore or on board as the entire operation is carried out by the mechanical devices attached to the crane, such as, Grab Magnets etc. so, the need as suggested is only to retain services of Crane/ Winch Operators and there is no necessity of Mazdoor and Tally Clerk and the manning has been suggested on board 1 Crane Operator per hook, 1 Signalman per hook and on shore 1 Crane operator only.

45. Regarding the handling of containers it is submitted that although the basic method of handling container is totally different from that of break bulk handling, the conventional manning pattern has not been changed proportionate to the reduction of effort involved in handling of containers. Use of Spreaders, not fitted with automatic locking arrangement requires deployment of shore workers to ensure locking and unlocking. For this purpose, deployment of maximum 2 shore workers be resorted to. The need for any other category of workmen so long considered as essential in case of break bulk cargo has become redundant. At certain Ports like Calcutta, Kandla etc. full complement of workers on board and on shore have to be booked for no work at all since on shore work is entirely carried out by the shipping lines. For transportation of containers on shore by Trailers and other equipment, only equipment operators are required. Keeping in mind the basic features of container handling by means other than specialised Gantry Cranes, the ship-shore manning requirement has been assessed as on board 1 Signalman per hook, 2 Mazdoors per hook and on shore 1 Tally Clerk per hook and 2 Mazdoors per hook.

46. Regarding handling of containers by automatic spreaders wholly mechanically, it is submitted that for the scenario when the entire operation of handling of containers is done by shore-base Quay Gantry Crane, Not only the on board Crane Operator is redundant, but also there will be no requirement of Mazdoors, Signalman or Tindal. It is suggested that only for accountal 1 Tally Clerk would be

posted and the necessity of Tally Clerk may also be done away with where the entire container handling operation is computerised. It is also pointed out in this connection that WW-1 in his evidence has stated that he had seen automatic spreader for handling container cargo and if automatic spreader is used, manpower is also required and for handling 4 men are required in Ship Gantry or QGC. He further stated that 4 persons are required to adjust the container on trailer, though the slinging and unslinging is automatic. He further stated that for putting container on shore and not on trailer, no person would be required to handle it in case of automatic spreader. The witness further stated that there is a practice by agreement by which the Mumbai Port deputes persons on such cases. So, the sum and substance is that actually there is no necessity of any other personal for automatic handling of containers, excepting for accountal purpose and that is also not required when the handling of containers by automatic spreaders is computerised.

47. So far as stuffing and destuffing of container is concerned, it is submitted that stuffing and destuffing of containers is carried out at Container Freight Station or in the open yard inside or outside the Port premises. Cargo is kept in the shed/yard prior to stuffing or after destuffing. Transportation of cargo to and from shed/yard is done by use of Fork-lift Trucks, Tractor Trailers and other compatible mobile equipment. On appearance of containers in the Indian Port scenario for the first time at Chennai in 1973, under pressure from the trade unions the port had to treat the container as extension of ship's hatch. Since then, two components of gangs are posted on board and on shore in full strength as applicable for handling break bulk cargo to meet their demands for payment of incentive allowance, though no work is done by them. It is submitted that at certain Ports notional booking of workmen is made which means that no worker report to work site, but the charges have to be paid by the users, apart from piece-rate incentive by the Port or Dock Labour Board. It is submitted that restrictive practices include where Fork-lift Trucks of Stevedores being the cargo from inside a 20 feet container to its door and thereafter to carry to stacking yard even to a distance of 30/40 feet, Port fork-lift Trucks are deployed. Thus, the number of worker deployed whether between ship and shore or for stuffing/destuffing is on very higher side as compared to the actual need mainly due to notional booking and other restrictive practices, therefore, increasing the Port cost many fold. It is submitted that at ports where stuffing is done direct from the truck or destuffed and delivered by loading the truck, 2 separate Fork-lift Trucks have to be booked though one is sufficient. This practice needs to be eliminated. It is submitted that considering the actual operational cycle and need, the manning requirement has been assessed for stuffing/destuffing as 1 Tally Clerk per point and 4 Mazdoors in total.

48. So far as Ro-Ro/Car carriers, it is submitted that the consignments are on self-driven chassis or themselves self-driven. They are discharged from or loaded on to the ship by deploying an Operator driving the chassis/car directly over a ramp, which is attached to the main ship for facilitating such activity. Therefore, there is no need for Mazdoor for handling Ro-Ro vessels or Car Carriers. It is submitted that so far as handling of Ro-Ro Car system is concerned, at any stage involvement of manpower is not all required, but at present in several ports manpower is deployed both on board and on shore for this purpose, which should be stopped.

49. Coming to the point of the necessity of uniformity in deployment of different categories of workers on board the ship for handling cargo, it is submitted that there are three Dock Labour Boards in existence presently, i.e. at Calcutta, Visakhapatnam and Kandla. There are 18 categories of workmen at Calcutta, 6 at Visakhapatnam and 4 at Kandla. It is also further submitted that whenever the cargo handling on board the ship is required, irrespective of nature and necessity of cargo, the deployment is done on gang basis, where all the categories are involved. It is further submitted that the system prevailing at Kandla regarding 4 categories appears to be proper and can be applied for operation at Visakhapatnam and Calcutta for on board operation. It is also further submitted that WW-2 in his evidence has clearly stated that for handling of cargo on board by the mazdoors, Tindal is the man who does supervisory job. It is also pointed out that WW-21 in his evidence has submitted that the job of Assistant Supervisor is to supervise loading/unloading operation on board and in addition, a Senior Supervisor is also posted whose job is the same. It is pointed out that he has also further admitted that the Hatch Foreman also does supervisory job. So, it would be seen from the documents Ext. M-8 that for handling break bulk general cargo on board in Calcutta, altogether 17 categories of workers including supervisory categories of Deck Foreman, Hatch Foreman, Mates, Chief Clerk, Senior Supervisor, Assistant Supervisor, Junior Supervisor, Assistant Clerk and Junior Clerk are deployed as part of the gang, whereas in Visakhapatnam on board only 6 categories with only 1 supervisory category, i.e., Ministry is deployed. It is further submitted that in Kandla Port on board this work is done by only 4 categories, including 1 supervisory category of Tindal. Therefore, it has been submitted that it is established beyond reasonable doubt that only one supervisory category of Tindal is actually required for handling of cargo on board and on the basis of actual need, if Kandla pattern is introduced, the following categories of workers would be redundant as there is actually no need for their deployment. Such categories are Deck Foreman, Hatch Foreman, Derrick Fitter, Tindal, Mate, Sardar, General Purpose Mazdoor, Carpenter, Chief Clerk, Junior Supervisor, Cargo Supervisor, Leading G.P.M., Senior Supervisor, Assistant Supervisor, Assistant Clerk and Junior Clerk. So far as this contention of the management

is concerned, there does not appear to be any doubt that unnecessary and redundant posts are being maintained and the deputations are being made without there being any work for them. It increases the cost of the port and the port users have to pay for it, which does not appear to be in good spirit and such posts need to be abolished.

50. So far as manning scale for equipment operation, it is submitted that for handling general cargo and palletised cargo, on shore equipments, such as, Fork-lift Truck, Tractor Trailer, Mobile Crane which generally used for off-loading the cargo from Ship to shore or loading it from shore to Ship, either the crane or winch on board the Ship or the crane on the shore, i.e., Electric Wharf Crane is used. It is further submitted that for handling of containers the different types of equipments used are Quay Gantry Crane, Rail Mounted Quay Crane, Rubber Tyred Gantry Crane, Rail Mounted Gantry Crane, Reach Stacker, Top Lift Truck, Front-end Loader and Heavy Duty Tractor Trailer. It has been submitted that the above position has been clarified by MW-6 in his evidence. It is further submitted that in operating cargo handling equipment the need and practice is deployment of one Operator per equipment, which is rightfully essential and adequate, but intensity of stress varies from equipment to equipment. It is submitted that in case of certain Heavy Duty Equipment, viz. Quay Gantry Crane, Rail Mounted Gantry Crane etc. continuous operation by one Operator throughout the shift is not possible. So, to provide relief in between where the intensity of work is high and strenuous, the relieving Operators are provided. It is submitted that the number of reliever differs between the Ports. There is no difference of opinion in respect of the deployment of additional Operator on certain types of equipment to provide relieve to the Operator during the shift, but differences exist between the ports in respect of the number of relievers required to be posted for identical equipments. It is submitted that the present differential is mostly due to response to local push and pull or pressure. It is pointed out that MW-6 in his evidence has given the details of practice being followed by the different Ports in the matter of deployment of Operators in different kinds of equipments. It is pointed out that MW-6 has also stated in his evidence categorically that so far as basic operation of the implements of cargo handling is concerned, it is the same and similar in all Ports and he has also stated that in his view the manning of equipments should be the same in all the Ports. It has also been pointed out that this statement has been supported by WW-29 also in his evidence in cross-examination, in which he has stated that identical equipments have same function of movement everywhere. Therefore, it is submitted that there is no denying of the fact that the identical equipment should have identical manning in all the ports irrespective of their location.

51. It is further submitted that for handling general cargo and palletised cargo, the equipments like Fork-lift Truck, Tractor Trailer, Mobile Crane etc. are used and

deployment of reliever to this group of equipment does not appear to be necessary because of the extent of intensity of work involved is less and height factor is also not a point for concern. It is pointed out that this aspect has been supported by the evidence of MW-6 that in general cargo handling equipment the deployment of technician is one Operator per equipment. The witness has also further said that in his view for the equipment used in general cargo handling operation, there is no necessity of reliever or helper. He has also further stated that the equipments used for general cargo handling are not required to work continuously at all the Ports and the requirement of reliever is on account of the intensity of work, which is absent in the case of general cargo handling equipments. The witness has also stated that general cargo handling constitutes a small percentage of total cargo handling. Therefore, it has been clearly established that apart from one Operator for each equipment like, Fork-lift Truck, Tractor Trailer, Mobile Crane etc., deployment of reliever is not at all necessary. It is pointed out that it appears from Ext. M-25 that at present for Mobile Crane and Grab Crane, no relieve is posted in any of the Ports in India. So far as Fork-lift Truck, except for Mormugao port, in other Ports reliever is posted on such equipment, but in Mormugao one reliever is posted for two Fork-lift Trucks. So, it appears that according to the necessity no reliever is required to be deployed on Fork-lift Truck. It is also further submitted that for the Electric Wharf Crane it would be seen from Ext. M-25 that out of the 11 Ports. Only in 4 Ports, i.e., Calcutta, Paradip, Chennai and Mumbai relievers are posted in addition to the operators. Therefore, it is obvious that is 7 of the 11 Ports Electric Wharf Crane does not require posting of relieving operators, there is no reason why it should be required in other 4 Ports.

So far as equipment used in container handling is concerned, the Operator of QGC or RMQC works in the cabin at height around 60 feet and the work is more strenuous as loading and unloading operation of the containers between ship and shore is generally continuous. Therefore, only for this kind of equipment, higher ratio of reliever is required and accordingly, it has been suggested that one Reliever should be deputed for to operators in 8 hours shift, which appears to be reasonable.

Coming to the RTG, it is submitted that it is deployed at container parking yard and is used in tandem with the QGC for loading and unloading of containers at yard. So, normally more than 1 : 1 ratio is used in deployment of RTG vis-a-vis QGC. It is also submitted that the work is to off-load the container from the Truck to the Yard or vice versa, hence the work is comparatively less strenuous and lesser ratio can be adopted for the Reliever. It is suggested that 1 Reliever for 3 Operators will thus be adequate for RTG cranes. Where the RMGC is available in the container parking yard, the operation is the same and similar to that of RTG Crane and, therefore, same principle for deployment

should be applied, i.e., 1 Reliever for 3 Operators. It is also further pointed out that for QGC and RMQC in Chennai and Cochin 1 Reliever is posted for 2 Cranes, but in Mumbai and JNPT 1 Reliever is posted for 4 Cranes. So, it is submitted that if QGC and RMQC can be operated in Chennai and Cochin with 1 Reliever for 2 Cranes, there is no justification why the QGC and RMQC in Mumbai and JNPT cannot be operated with the same complement.

For RTG and RMGC at Calcutta and Cochin, 1 Reliever is posted for 3 Cranes, but at Mumbai and JNPT 1 Reliever is posted for 2 Cranes. So, if RTG and RMGC in Calcutta and Cochin can be run by deployment of 1 Reliever for 3, why the same cannot be run at Mumbai, JNPT and Chennai with the same complement of staff. It is pointed out that this position has been supported by MW-6 in his evidence, who has stated that in his view so far as RTG Cranes are concerned, requirement is 1 Reliever for equipments. He has also further stated that for QGC and RMQC, deputation of Reliever is necessary and it should be 1 Reliever for 2 equipments.

It is submitted that all other equipments used for container handling, i.e. Reach Stacker, Top-lift Truck, Front-end Loader and Heavy Duty Tractor Trailer, there should not be any necessity of posting Reliever as the work is not strenuous and there is inbuilt leisure in the operation. In this connection, it is pointed that MW-6 has stated that for other equipments, other than QGC, RMQC, RTG and RMGC, used in container handling operation, there is no necessity of any Reliever. It is also pointed out that from Ext. M-25 it will be clear that for Reach Stacker, out of 11 Major Ports, in Mumbai 1 Reliever is posted for each equipment, whereas in Cochin 1 Reliever is posted for 4 equipments, but in other Ports, no Reliever is posted for such equipment. In such a circumstance, it is submitted that there is no justification for deployment of Reliever for Operators of Reach Stackers in 8 hours shift having due recess. It is pointed out that Ext. M-25 will also show that for Top-lift Trucks, out of the 11 Major Ports, in Haldia under Calcutta Port, 1 Reliever is posted for each equipment and at Cochin 1 is posted for 4 equipments, but in other Ports, no Reliever is posted. So, there is no justification for deployment of Reliever for the Operators of Top-lift Trucks in 8 hours shift having due recess. It is also submitted that it is clear from Ext. M-25 that for Frontend Loader, no Reliever is posted in any of the Port and thus, the question of posting Reliever in this regard does not arise. So far as Tractor Trailer handling container is concerned, it appears from Ext. M-25 that in Haldia 1 Reliever is posted for each equipment and in JNPT and Chennai 1 Reliever is posted for 2 equipments, but in other ports no Reliever is posted for operation of Tractor Trailers. This position obviously proves that there is no necessity of posting Reliever on Tractor Trailer in 8 hours shift having due recess.

52. Coming to the Mechanical Ore/Coal Handling Plants at certain Ports and manning, it is submitted that at

Ports of Calcutta including Haldia, Paradip, Visakhapatnam, Chennai and Mormugao, Mechanical Loading plant has been installed for loading coal/iron ore and the plant comprises of Tipplers for mechanical unloading of loaded wagons, Stackers for collecting of materials at storage area, Belt Conveyor network for carriage of ore/coal from one point to another, Reclaimers for recovering coal/ore from stockpile and putting on the Conveyor Belt and Ship Loaders for loading the Ship. It is stated that at Mormugao, ore is received by barges and, therefore, instead of Wagon Tippler, they have Barge Unloaders and the number of Tippler, Stacker, Reclaimer, Ship Loader and Belt length vary from port to port. It is pointed out that the workforce deployed at each of the said Ports for operation and maintenance of mechanical handling plants have been shown in the Appendix to the second part of the statement of claims. It is submitted that Wagon Tippler is operated by pressing electric button and tippling of Wagon depends on availability of the rakes and, therefore, the work is intermittent in nature, but Reliever has to be provided in 8 hours shift to the Operator and the number varies from Port to Port. It is submitted that at Visakhapatnam for handling 9.2 million tonnes of iron ore, 1 person relieves 3 Operators of Tipplers in a shift, but at Haldia with a traffic of less than 4 million tonnes, 100% relief is granted. So, in this process one Operator works only for 4 hours in a shift of 8 hours. It is also submitted that the same is the case in respect of the manning of the other equipments, such as, Stacker, Reclaimers, Ship Loaders at Haldia and at Mormugao also 100% relief is provided. It is further submitted that unlike at Haldia, Visakhapatnam and Mormugao, the Plant operators at Chennai maintain the Plant alongwith workmen earmarked for maintenance when the Plant is not working or in the event of break-down or overhauling and so far as Haldia, Visakhapatnam and Mormugao are concerned, operating staff remain idle when the plant is not working. So, it is submitted that assuming that the facilities at Haldia is double than Chennai, the total strength of staff at Haldia is 32% more than that of Chennai. It is submitted that excess man-power at mechanical handling plants at 3 Ports is primarily due to compartmentalisation of the operation and maintenance activities and 100% relief for Operators etc. It is also submitted that due to unreasonable demand for more posts and the management succumbing to the pressure of the union led to such large manning. It is submitted that in the shift separate maintenance staff are booked to attend breakdown and they attend to minor repairs only, but in case of major breakdown, they simply idle alongwith the operating staff and leave the work to be done by the general shift staff which results in excessive down time, idling of vessels, incurring heavy losses and increase in the port cost. It is pointed out that MW-6 has stated in his evidence that dry bulk cargo handling plants are available at Chennai, Visakhapatnam, Mormugao, Paradip and Haldia and the plants are practically the same. He has also stated that such

plants at Chennai Port consists of Wagon Tipplers, Stackers, Reclaimers and Ship Loaders and Conveyors and broadly they handle iron ore and coal as far as dry bulk category of cargo is concerned. It is submitted that dry bulk cargo handling operation in all those 5 Ports are same and similar. So far as Chennai is concerned, they operate and maintain the plant with 480 employees and they are engaged both in operation and maintenance of the plant, but in other Ports the situation is not the same and there are separate categories of staff for maintenance and operation. It is also pointed out that at Mormugao Plant there is no Wagon Tippler available while it is available in other Ports. It is also pointed out that at Chennai the pattern of deployment of such Wagon Tipplers, Stackers, Ship Loaders etc. is 1 Operator per equipment and 1 Reliever for 2 equipments. It is also pointed out that in Reclaimer the deputation of 1 Operator and 1 Reliever is prevalent. It is submitted that the system of composite staff involved in the handling and maintenance of the plant at Chennai can be introduced at other Ports also and according to MW-6 it will better as flexibility will be available. The witness has also stated in his cross-examination that the system of dry bulk cargo handling is same in all the abovementioned Ports with some minor variations. It is also pointed out that WW-26 in his cross-examination has admitted that if in course of operation, the operation is stopped for the purpose of maintenance, the operation shall have to wait till the maintenance is complete and the operation is started and it is not possible to engage the operational staff in maintenance when there is no operation, because a person as operational staff is meant for operation only and he cannot be utilised for maintenance as he is only for operation. It would thus be clear that although the operational staff remain idle when there is no operation because of the recent practice, their services cannot be utilised in maintenance job, like the practice prevailing in Chennai Port. It is pointed out similarly that when the Plant is in operation, the maintenance staff will remain idle waiting for any breakdown or the like. So, it leads to a restrictive practice affecting the efficiency of the Port and leading to idle workforce and increase in labour cost. In this view of the matter, it is submitted that there should be an order to the effect that flexibility should be introduced in the matter of deployment of operational staff of the coal/ore handling plants in all the Ports in maintenance job also when the plant is not in operation and as regards question of uniformity of the manning of the plants, it is submitted that there should be an order and Award to refer the man-power assessment of the plants to an expert agency in the field. The prayer appears to be reasonable and proper and must be accepted.

53. So far as manning scale for marine services is concerned, for carrying on the marine services the ties of vessels and crafts generally maintained by the Ports are River/Harbour Tugs, Dock Tugs, Survey Launch, Pilot Launch, Mooring Launch, Pilot Vessel, Survey Vessel,

Research Vessel, Grab Dredger, Hopper Barge etc. and for operation of these crafts two groups of employees are required, i.e. Deck Staff and Engine Staff. It is submitted that the category of manpower deployed, manning scales etc. widely differ from Port to Port, though the crafts are the similar or of similar type. It is submitted that unlike the cargo handling activities, certain categories of employees, such as, Master, Engineer, Driver, Serang etc. deployed on these crafts must have a statutory certificate of competency issued by he notified authority or the Director General of Shipping, as the case may be, but the other categories of on board crew such as, Lascar, Greaser, Cook, Topass etc. and those on shore such as, Lascars deployed on the lock entrance, berths and jetties, dry docks etc. for passing and mooring, the vessels do not require to have any technical qualification. It is pointed out that manning scales of such categories of employees also differ from Port to Port and there is a need to rationalise the manning scale to arrive at an uniform pattern in respect of the marine operation in all the Ports keeping in view the minimum manning pattern in existence in any of the Ports for running same and similar types of craft and the peculiarities of the Port, if any. It is pointed out that MW-8 in his evidence has stated that the duties of the Marine Department is to see the entry and exit of the vessel in the Port and for that the Department has to undertake certain activities. He stated that first of all dredging has to be done in the channels to maintain adequate depth. Hydrographic survey is made to know how much depth is available and, thereafter for ship movement, pilotage service is provided which includes towage, mooring and unmooring of ships and pollution control in the Harbour. It is also pointed out that water is also provided to the ships and provision is made for fire fighting also as stated by MW-8. It is submitted that some vessels and crafts are required for undertaking the aforesaid activities. It is submitted that Tugs are required for towing operation, Pilot Launch is required for pilotage, Survey Launch is required to carry the ropes of the ships, Dredgers are required for dredging, pollution control vessel is required for pollution control and in some Ports Floating Cranes are also available. It is submitted that these activities are similar in all the major Ports, except at Calcutta where there is some peculiarity, where some further activities are carried out because of the stretch of the river is long. It is also pointed out that at Ports of Mumbai and Calcutta, there are Lock gates under impounded dock system. It is also further pointed out that MW-8 in his cross-examination has stated that so far as the service conditions of the workers in the different major Ports are concerned, they are same, the working conditions are also the same and so far as technological changes are concerned, every Port tries to cope with it, so far as marine crafts are concerned. He has stated that generally all the Ports are maintaining same and similar types of marine crafts, excepting in some Ports where they have some additional craft such as at Calcutta, Mumbai and Chennai, where they have some extra craft. It

is also submitted that at Calcutta, Visakhapatnam and Mumbai they have Floating Cranes which are not available in other Ports. So, MW-8 in his evidence has stated that a lot of changes have taken place in the matter of vessels and crafts during last 2/3 decades as the Ports are to keep pace with the international field. It is stated that obviously the Tugs used to have only one propeller and then Tugs with two propellers came and presently these are running with Radder Propeller. He has also stated that in spite of the technological advancement and changes, there has been no change in the manning pattern of the vessels and crafts since long and he has stated that change in the manning pattern of the vessels and crafts is required in view of the technological changes in the field of marine activities. The witness also stated that so far as manning of the vessels and crafts are concerned, the manning pattern should be rationalised and made similar. Further, it is pointed out that MW-11 has also stated in his evidence that according to him there should be uniformity in the matter of deployment pattern of the crew members of the vessels and crafts in all the major Ports. He has stated that the manning pattern has not been changed in commensurate with the progress and advancement of technology, though there has been some changes and according to him there is necessity of rationalisation in the manning pattern. It is also pointed out that WW-9 has also stated in his cross-examination that manning should be according to requirement and necessity and WW-10 has also stated in cross-examination that the deployment of man-power on vessels should be according to actual requirement. Similarly, WW-13 has also stated in his cross-examination that he agrees that any deployment should be on the basis of actual requirement and he has further stated that the deployment of workmen on vessel is not on the basis of gang and even if only 2 persons are required for a particular job, they can be very well engaged. It is also further pointed out that WW-18 has also stated in his cross-examination that all kinds of vessels and crafts are available at other Ports also and excepting for JNPT the workings of the different vessels and crafts are the same in different ports. He has also stated that so far as the work of the Driver is concerned, it is similar in all the Ports irrespective of designation. It is also further pointed out that WW-25 has also stated in his cross-examination that all the Ports in India are tidal Ports and all the Ports have got mooring point, pilot boarding point and berthing point. He has stated that at his Port the difference between Pilot Boarding Point to Berthing Point is 2 Kms, but at Calcutta it is 100 Kms. and has further stated that excepting for Calcutta the condition is same in all the Ports. It is also pointed out that WW-29 has also stated in his cross-examination that the job of Drivers of Tugs and Launches is to switch on and off the engine and to have a watch on it. He also further stated that the job of Driver is identical in all the Ports and in similar circumstances, the job of the other crew such as Inland Master and Seacunny also remains the same. So, it

has been submitted that it will be clear from the evidence that marine activities in all the Ports are same and similar, irrespective of their location and the same and similar types of vessels and crafts are maintained by all the Ports. It is submitted that the services being rendered by the vessels and crafts are same, the job of the crew members of the vessels and crafts like, Driver, Inland Master, Seacuny and others also remain the same in same and similar types of vessels and crafts, irrespective of their location.

In this connection, it is submitted that Tugs are primarily used for towing and assisting Ships in their berthing and unberthing operation and in addition, they are also used in some Ports for towing barges during dredging operation and unloading from large Crude Carrier at single buoy mooring in mid-stream. It is submitted that the bollard pull of the Tugs employed at the Ports is generally in the range of 15 to 50 tonnes and there has been a progressive evaluation in the technology of Tugs. It is submitted that from the evidence it appears that steam power has changed to diesel power and single screw to twin screw propellers or to sophisticated and highly manoeuvrable Tractor/River Tractor Tugs. It is submitted that with the introduction of new propulsion systems, such as cycloidal and steerable Rudder Propulsion System, the handling of Tugs has become easier and less strenuous, in addition, the performance of the Tugs is much superior to those of the earlier generation. It is submitted that the Tugs and Ships earlier used Heavy Duty Manila Ropes for towing and mooring, but today with the advent of new technology, numerous light weight and strong synthetic ropes are used. It is submitted that many of the Port's crafts are fitted with Global Positioning System, Radar, Echosounders, Computers etc. and it is also submitted that if required these types of equipments can easily be fitted on the crafts which are not having the same at present. It is pointed out that the existing manning scales are based on two broad types of Tugs currently operating in the Indian Tugs. Conventional Tugs have less than 30 tonnes pulling capacity, but Tractor Tugs have equal or more to 30 tonnes bollard pull. It is pointed out that MW-9 in his evidence has stated that the Tugs are generally classified into two types, i.e.; Conventional Propulsion Tugs and Tractor Tugs and the Tugs have different powers. He has also stated that the stronger Tugs are required for bigger vessels and small Tugs are required for other purposes. He also stated that the bollard pull of a Tug varies from 15 to 50 tonnes and both the types of Tugs are available at all the Major Ports. So, it is submitted that in the conventional Tugs on the deck side, man-power deployed varied from 23 at Calcutta to 5 at New Mangalore with as many as 13 types of designation existing in all the Ports. It is also submitted that on the engine side the strength of man-power varies from 10 at Calcutta to 3 at Kandla with as many as 10 different categories of workers and this position has not been disputed by the Opp. Parties. So, it is submitted that if a conventional Tug in a port can be run with 5 crew members

on deck side and 3 crew members at engine side altogether 8 persons, there is no justification that the conventional Tugs in other ports cannot be run by the same complement of the crew members. It is submitted that the existing deployment pattern of the crew members of the conventional Tugs in all the major Ports have been shown in the chart, Ext. M-27. It is submitted that in the Tractor Tugs on the deck side the man-power deployed varies from 14 at Calcutta to 6 at Chennai and Kandla with as many as 13 categories and on engine side the strength of man-power varies from 10 at Calcutta to 4 at Kandla with 10 different categories. So, here also this position has not been disputed by the Opp. parties. It is accordingly submitted that it will be seen if the Tractor Tug in a port can be run with 6 men on deck side and 4 men on engine side, there cannot be any reason, it cannot be operated in other ports with the equal number of complement.

54. So far as Launches are concerned, it is submitted that at Ports there are various types of Launches, i.e., Pilot Launches, Mooring Launches, Survey Launches, VIP Launches etc. and classification of Launches is done on the basis of its use. It is submitted that with the passage of time there has been technological advancement in the designing and construction of the Launches and it has improved not only the performance, but also the safety, maneuvering and handling characteristic of the Launches. It is submitted that earlier Launches were single screw and today most of the Launches are twin screw and some even have SRP/Cycloidal Propulsion System. It is submitted that these technological changes have made the operation of Launches much simpler, calling for reduction in man-power and it is submitted that this position has also not been disputed by the Federations. It is stated in this connection that the existing manning scale on the Survey Launches on deck side varies from 6 at Mormugao to 3 at Cochin, Visakhapatnam and Kandla having 6 categories of employees, while on the engine side the strength is either 1 or 2. It is submitted that this position has also not been disputed by the Federations and, therefore, there is no reason why the Survey Launches in all the Ports cannot be run with the uniform manning of workmen of 3 men on deck side and 1 man on the engine side having a full complement of 4 crew members.

So far as Pilot Launches are concerned, it is pointed out that on deck side the strength varies from 7 at Calcutta to 3 at JNPT, Chennai and Kandla having 9 different categories of employees. It is pointed out that on the engine side the strength varies from 3 at Calcutta, Tuticorin, Mormugao and Mumbai and Kandla to 1 at JNPT and the position remains undisputed as it has not been denied by the Opposite Parties. Therefore, it is submitted that there is no reason as to why a Pilot Launch in a Port cannot be run with 3 men on deck side and 1 man on the engine side.

Regarding Mooring Launch, it has been submitted that the present system of deployment varies from 7 at

Cochin to 3 at JNPT, Chennai, Paradip and Kandla having 6 categories of workmen on deck side and on engine side the strength is 2 or 1. It is submitted that this position has also not been disputed by the Opposite Parties and there is no reason why the Mooring Launches cannot be run with uniform manning of 3 men on the deck side and 1 on engine side in all the Ports.

55. Regarding the Floating Crane, it is submitted that it handles Heavy Lift Cargo overside on to the Barges or Boats and it also helps civil engineering construction and lock entrance repair work and such cranes are available at Calcutta, Visakhapatnam, Cochin, Mumbai and Chennai only. It is submitted that on comparing the existing manpower of the crafts at 5 Ports, it would appear that on the deck side the strength varies from 24 at Mumbai to 10 at Cochin with as many as 9 categories of employees and on engine side the strength varies from 8 at Mumbai and Cochin to 5 at Visakhapatnam having 4 different categories. The picture can be clear from Ext. M-32 and it is submitted that this position has also not been disputed by the Opposite Parties. Therefore, it is submitted that the Floating Crane can be operated in all the Ports having such kind of vessel/craft with uniform manning scale of 10 persons on the deck side and 5 persons on the engine side, thus having a complement of 15 persons.

56. Regarding Grab Dredger, it is submitted that it works in the intricate areas like Jetties and wharves or small port basins. The Dredger is permanently fitted with one or more number of cranes with attachment of Grabs which pick up the dredged material from the basin and put into its hopper or in the adjoining Barge. It is also pointed out that for its propulsion either Tug is used or it works on its own power. It is submitted that when Tug is used, no workforce in engine operation is required. It is stated that Grab Dredgers are available at Calcutta, Visakhapatnam, Chennai, New Mangalore, Cochin and Mumbai and on comparison of the existing manpower of these crafts for the manning on the deck side, the strength varies from 33 at Calcutta to 11 at New Mangalore having as many as 12 categories of staff and on engine side the strength varies from 21 at Cochin to 5 at New Mangalore having 8 categories of staff. It is, therefore, clear that existing manning of the Grab Dredgers in different Ports are different, which can be seen from the chart, Ext. M-33 and this position has also not been disputed by the opposite parties. Therefore, it has been submitted that in the circumstance, there does not appear to be any justification of there being different manning pattern in different Ports on this kind of vessel and it is suggested that the manning should be 11 men on deck side and 5 men on the engine side in all the Ports.

57. Regarding Hopper Barge, it is submitted that it does not have any engine and it is towed by the Tugs and, therefore, no engine staff is required for such Barge, but Winchman/Drivers and Greasers are required when the Barge is self-propelled or provided with some equipment. It is stated that on deck side on the Hopper Barge or Dumb

Barge, the manning strength varies from 13 at Calcutta to 4 at Mumbai and on the engine side, if self-propelled, the strength varies from 8 at Calcutta to 3 at Goa. It is pointed out that the existing manning pattern can be clear from the Chart, Ext. M-34 and this position also remains undisputed. In this circumstance, the management, has suggested that the uniform manning for Hopper Barge/Dumb Barge in all the Ports should be 4 persons on deck side and 3 on the engine side having a total complement of 7 on board.

58. So far as Pontoon Dredgers are concerned, it is stated that this kind of Dredger is available at Mumbai and in Cochin and in these 2 Ports there are 11 persons on the deck side at Mumbai and in Cochin there are 5 men on the deck side. So far as the engine side is concerned, at Mumbai there are 2 persons and at Cochin there is only 1 person. In this circumstance, it is suggested that the manning pattern of Cochin should be accepted and there should be 5 men on deck and 1 person on engine side with a total complement of 6 only.

59. So far as Mooring Crew is concerned, it is submitted that in Mumbai and Calcutta there is large complement of persons to assist in berthing/unberthing of ships at berths or during their passage through the lock barrel and they are required to handle ropes and wires given by the ships or the port. It is submitted that at other Ports Mooring Crews are involved only during berthing/unberthing of vessels handling mooring ropes. In this connection, it is pointed out that MW-8 has stated in his evidence that Lascars are deployed on shore also and they are employed in the Jetty and berths for carrying out mooring and unmooring work. This witness has also stated that at Mumbai Port there is no shore winch to handle the wire ropes of the ships and the Mooring Khalasies known as Shore Khalasies do it manually and he also stated that evolution of ropes took place between 70's and 80's and the size of the rope is generally 6" to 8" in circumference. It is also pointed out that MW-10 has stated in his evidence that there are Mooring Crew at the Port of Mumbai and the work of Mooring Crew is to lead the Ship safely to the Port. The witness has also stated that the mooring staff consists of 18 in a gang which relates to Indira Dock. The witness has also further stated that the deputation of the gang is 18 irrespective of the size of the ship and he further stated that though Victoria Dock is not presently working, there are 48 people posted there and there is no staff at Princess Dock. He has also stated that they have 43 persons at Jawhar Dweep and Pir Pau and the manning pattern is not need-based; rather, it is fixed on the basis of negotiation with the unions. He has also stated that the Mooring Crew do not handle wire. He also stated that at Jawhar Dweep ideal manning of Mooring Crew should be 22 + 1 and for handling mooring at Indira Dock 7 persons are required. He also stated that for Victoria Dock the strength of Mooring Crew should be 8 + 7. So, the picture emerges that the present complement of Mooring Crew at Mumbai is 108 per shift in Indira Dock, 50 at P & V Dock and 53 at Jawhar Dweep and Pir Pau and the number includes the post of Shore Lascars,

Serang and Tindal. It is submitted that deployment at Indira Dock Lock Gate is 72 per shift comprising of 64 Shore Lascars for ropes and wires, 4 Shore Lascars for handling Fenders, 2 Tindals and 2 Serangs and during lock operation 2 Jolly Boats are used to carry the ropes and wires on either side. It is also submitted that 7 persons consisting of 6 Shore Lascars and 1 Tindal remain on each Jolly Boat. So, the total manpower required for Indira Dock Lock Gate for handling a ship is 86 persons per shift and for carrying out berthing/unberthing operation complement of 18 persons consisting of 16 Shore Lascars and 1 Tindal and 1 Serang is deployed. It is submitted that due to technological changes heavy and huge manila ropes are replaced by synthetic fibre ropes which happens to be lighter, thinner, stronger and easier to handle and, therefore, the present complement of shore crew is far more than the actual requirement. In this view of the matter, it is submitted that there is recommendation for Indira Dock Lock 25 persons consisting of 24 Shore Lascars and 1 Tindal. Similarly, it is submitted that the complement recommended for berthing/unberthing operation is 7 consisting of 6 Shore Lascars and 1 Serang. It is also submitted that at P & V Dock there are two groups of 25 persons each consisting of 23 Lascars and 1 Tindal and 1 Serang each and one group is used for Lock Gate Operation and the other for berthing operation. It is further submitted that with considerable reduction of traffic at P & V Dock it is proposed to have 7 and 6 persons for handling lock gate and berthing operations respectively. The gate operational group shall consists of 7 Shore Lascars and 1 Tindal and the group for berthing operation shall consists of 6 Shore Lascars and 1 Serang and these two groups shall operate only during the day shift. It is also submitted that because of the reduction in the traffic, there is very few movement of vessel in P & V Dock and, therefore, there is no necessity of posting of staff during night shift. It is also further submitted that Shore Crew should be transferable to any of the operations, be they Gate, Berthing, Lock etc and they should also be transferable from one Dock to another as per requirement of the Port. It is suggested that in rotation the crew shall be given crew experience and exposure to work in other dock areas. It is also submitted that at Jawhar Dweep and Pir Pau the crew deployment is 12 at each Jetty, 10 Shore Crew, 1 Serang and 1 Tindal and 8 at the spring, in all 38 in each shift and 5 were added to the complement for New Pir Pau Jetty making the total 43 per shift. It is submitted that in fact there is no place on the Dolphins for so many persons to stand at a time as there is only one earth attended to by the crew at one time, either at Jawhar Dweep or Pir Pau. So, the required deployment is only 4 Shore Lascars on each side on the 4 Dolphins and 3 on each of the 2 springs with 1 Tindal. Thus a total of 23 per shift. It is submitted that this strength has been recommended after considering the size of the tankers required to be moored at each berth. Accordingly, it is recommended that there should be total of 32 persons deployed at Indira Dock, which include 30 Shore Lascars, 1 Tindal and 1 Serang and there should be 15 persons at P & V Dock including 13 Shore Lascars, 1 Tindal and 1 Serang

and at Jawhar Dweep and Pir Pau there shall be 22 Shore Lascars and 1 Tindal, the total being 23. In this connection, it has been pointed out that WW-29 in his evidence has submitted a manning scale for Shore Lascars which tallies with the submissions of the management. It is pointed out that WW-29 stated that he has seen manila ropes for tying, which is not in use now and he has also seen polly-pipline ropes being used now and that the present ropes happen to be lighter. The witness has also stated that the total strength of Shore Lascars in 1995 was 72 and it is still 72 and he has also admitted in his evidence that average number of ships coming to dock during a period of 24 hours was about 20 to 25 in three docks, but presently that number of ships are not coming and hardly 10 to 12 ships coming in a period of 24 hours and the witness has also admitted that Princess Dock has been closed for cargo carrying ships. Therefore, the suggestion is practically supported by this important witness for the Federation No. 2.

60. So far as Calcutta Mooring Crew is concerned, it has been submitted that Calcutta Port consists of three dock systems, viz. K. P. Dock, N. S. Dock and Haldia Dock. It is stated that so far as K. P. Dock is concerned, it consists of Dock No. 1 and Dock No. 2 and a turning basin and lock entrance giving access from the river to the dock system. It also appears that for berthing/unberthing of ships at K. P. Dock, Dock Lascars are deployed on 12 hours shift with fixed O. T. and the complement of each shift including the roster relief is East side of the Lock 5 Head Lascars and 13 Lascars; West side of the Lock 2 Head Lascars and 8 Lascars; At Swing Bridge No. 1, 2 head Lascars and Lascars 8; At No. 2 Dock, 2 Head Lascars and 12 Lascars and an extra group comprising of 10 Lascars. Regarding N. S. Dock it is pointed out that the deployment pattern is 1 Serang, 1 Tindal and 25 Lascars with one extra group of 8 Lascars. In this connection, the representative of the management has pointed out towards the evidence of MW-11 apart from what has been stated in the statement of claims. It is pointed out that MW-11 has stated about Calcutta that it has impounded dock system, both at Calcutta and Haldia. He also further stated that for handling the ropes of the ships arriving at the Port, mooring is done by the Mooring Crew. He also stated that at different points they have different numbers of Mooring Crew. He also stated that for K. P. Dock they have more than 50 Mooring Crew and at N. S. Dock they have 26 excluding supervisory staff and at Haldia they have 48 persons at one time for the dock, 16 for Oil Jetty Nos. 1 and 2 and 12 for Oil Jetty No. 3. He also further stated that the requirement of Mooring Crew may vary according to the size and shape to be handled and the variation should be between 4 and 10, meaning thereby 4 is required for smaller ships and 10 for bigger ships. He also further stated that there is no flexibility available in the matter of deployment of Mooring Crew. It also appears from the evidence of MW-11 that it is not a fact that the standard of requirement mentioned in page 71 regarding Calcutta Port Trust in the statement of claims is not adequate

and is very low. He also stated that it is not a fact that the present sanctioned post is adequate and proper and necessary for the purpose of proper working and also for the purpose of safety of the crafts and vessels and the crew. The witness has also stated that flexibility is not available at Haldia also regarding Mooring Crew and the present manning pattern at Haldia was probably evolved in an agreement in the year 1991-92, but he is not sure. In this connection, it is submitted that it would be evident from the evidence of this witness that the strength of Mooring Crew is not need-based and such need-based scale should be introduced forthwith for optimum utilisation of man-power.

61. In course of argument the Federations have been very emphatically stating about the special features and special situation of the Calcutta Port. So, in course of his submission, the representative of the management also takes into consideration such facts and it has been submitted that being riverine Port, vessel arrival and departure is strictly related to the tide time. It is also submitted that the present system of deployment of Lascars for berthing and unberthing of ships in the docks in spite of steep decline in activity, specially at K. P. Dock, renders large number of them idle, once their job is over, effective period of which may be not even an hour and that too restricted to their bid. It is submitted that they refuse to be deployed in areas earmarked for another group of Lascars, even to supplement shortage and this kind of restrictive practice, apart from adversely affecting the shipping, have resulted in wastage of man-power, non-productive overhead expenditure and huge financial loss to the Port, specially when the Port is in acute financial crisis. In this view of the matter, it is submitted that it is imperative that the existing system is changed and a pool of Lascars is formed from which deployment should be made strictly as per the requirement at any of the docks. It is submitted that official transport may be provided in case they are required to travel a longer distance for the next job. It is submitted that shortage of Lascars at one dock within Calcutta can be made good by transferring idle Lascars from the other and such flexibility in deployment of Lascars at any of the docks at Calcutta will ensure gainful and optimum utilisation of man-power, while achieving much needed economy. It is also submitted that deployment of Lascars for berthing/unberthing or mooring/unmooring of ships is in a shift of 12 hours with a statutory O.T. of 55%. Considering all these things, a schedule has been suggested, according to which at Calcutta the manning of the docks at K. P. Dock and N. S. Dock has been suggested as 34 Shore Lascars, 4 Tindals and 1 Serang, total being 39 in one shift and for N. S. Dock 20 Shore Lascars, 2 Tindals and 2 Serangs, i.e., 24 per shift. The requirement has also been detailed by giving out the various positions in which the Lascars are required and when the total requirement of Lascars in a shift is 34, the total requirement at K. P. Dock shall be 68 Lascars in two shifts, 11 for weekly off, 5 for leave reserve and 5 Lascars Serang/Tindal. It will be 89 persons in all. Similarly, for N. S. Dock requirement has been described as 20 Lascars per

shift and the total being 40 in two shifts, Serang 2 + 2 each and Tindal also 2 + 2 each. The total thus comes to 48. Apart from it 7 for weekly off and 4 for leave reserve have been suggested, which appears to be reasonable.

62. So far as Haldia is concerned, it is submitted that for the purpose of mooring activities, operational areas have been differentiated as Lock Entrance, 1st and 2nd Oil Jetty and 3rd Oil Jetty. It is also further submitted that for berthing/unberthing of ships at Haldia Marine Hand Grade-I and Grade-II, similar to Lascars are deployed round the clock and the staff work for 10 days continuously followed by 5 days off and are paid O.T. @ 76%. It is pointed out that the complement in each shift including roster relief is Lock Entrance 28 Marine Hand Grade-I, 32 Marine Hand Grade-II, 5 General Purpose Hand and 4.5 Bhandari. Similarly, for Lock Entrance 2 senior Bosun, 3 Bosun and 6 Bosun Mate of supervisory category is provided. So far as 1st and 2nd Oil Jetty are concerned, 3 Bosun, 1 Marine Hand Grade-I, 14 Marine Hand Grade-II and 1.5 Bhandari is provided. For 3rd Oil Jetty 4 Bosun, 6 Marine Hand Grade-I, 18 Marine Hand Grade-II, 1.5 Bhandari and 1.5 Cook is provided. It is also submitted that the work is of intermittent nature and vessels arrive and depart only during high tides, which is every 12 hours. It is submitted that the present system of booking worker for 10 days, followed by 5 days off is required to be discontinued as it leads to under utilisation of man-power, excess booking and substantial additional expenditure. It is also submitted that some categories like Bhandari and Cook is not required at all when the staff is deputed on 12 hours shift. Thus, it is submitted that at Haldia the requirement of man-power per 12 hours shift should be Lock 10 Marine Hands, 3rd. Oil Jetty 10 Marine Hands, 1st. and 2nd. Oil Jetty 10 Marine Hands, Shifting 6 Marine Hands, Berth 6 Marine Hands, the total being 23 for the requirement of 12 hours shift. It has been submitted that as proposed for Calcutta and Mumbai, at Haldia also a common pool of Marine Hands should be formed from which deployment should be strictly as per the requirement at any place of work. There does not appear to be any reason to disagree with the suggestion and it is fit to be accepted and is accordingly accepted.

63. So far as the point of notional booking is concerned, it has been submitted that many practices have been developed which affect the port efficiency, increase the cost and discourage the traders to bring their ships to those Ports. It is submitted that these are either notional booking of workers or restrictive practices and a few examples are given. It is stated that at Kandla Port the Gantry Crane on board the ship is operated by the ship's crew and containers discharged directly on privately operated trailers on the quay or picked up from Trailers and in such operation, there is no involvement of DLB or ship workers, but as per the prevailing practice, it is compulsory to engage both categories of workers. Similarly, at Haldia workers have to be booked on vessels carrying dry bulk iron materials being handled using Grabs and Magents and as per practice it is compulsory to book

persons on board as well as on shore irrespective of necessity and pay piece rate incentives on cargo discharged or shipped, even though the cargo is not touched by the men booked. These are the few examples and it is submitted that such practices should be completely done away with. It is also submitted that apart from the system of notional booking, there are many restrictive practices prevailing in the Ports which have been detailed in the statement of claims and in Ext. M-44. It is submitted that the factual position submitted in the written statement of the management in the matter of notional booking of workers and restrictive labour practices have also not been disputed by the Opposite Parties and so it is prayed that considering the above position, the Tribunal should pass an order in the Award for elimination of the prevailing practices of notional booking of workers and restrictive labour practices. There does not appear to be any doubt about it that such concept of notional booking or restrictive practices adopted by the workmen are unhealthy practices and these create lot of problems including financial loss to the Ports. Therefore, all kinds of such practices as pointed out in Exts. M-44 and M-45 should be completely stopped.

64. It is also pointed out that there are several other activities of the Ports apart from the core activities of marine operation and cargo handling operation including equipment operation. These activities are maintenance of equipments, crafts etc., railway working and maintenance, dry dock operation and maintenance, Lock Gate Operation and maintenance etc. and it has been suggested on behalf of the management that it is very difficult to assess the man-power in casual manner regarding this field and, therefore, it is proper that an expert body should be entrusted with the job and should be asked to submit report which should be accepted. The suggestion appears to be meaningful and it has also not been disputed by the Federations. So, so far as the assessment of man-power required for these allied activities is concerned, the same is ordered to be referred to an expert body chosen by the Government of India in the Ministry of Shipping and Transport to study the aspects in details and submit a report which should be accepted by the Government and made acceptable to the Port Trusts as well as to the workmen concerned.

65. It was mentioned in the schedule of reference and was also submitted on behalf of different Federations that for making a proper and correct appreciation of the system prevailing and the various factors involved in evaluating efficient working of the Port management, it will be proper to have a report from an expert in the matter. Though no such expert was appointed and report received, but in order to have a proper appraisal of the system of working of the Port and the various aspects of the activities of the Ports, I have decided to visit some of the important Ports. Out of the 11 major Ports, I visited Mumbai Port,

JNPT Port, Mormugao Port, Visakhapatnam Port, Calcutta Port alongwith Haldia Dock Complex and also Cochin Port and had seen the various aspects of the movement of cargos and movement of various kinds of vessels and crafts of the Ports.

66. Thus, after making so much of discussion and analysis it emerges that as per the schedule suggested and proposed in the various paragraphs above, the deployment of workers for various tasks should be strictly according to the necessity and requirement and there should be no deployment on gang basis as is prevailing presently. All the proposals earlier accepted in the different paragraphs should be treated as final manning scale according to necessity. In booking of workmen, there should be a common pool which shall be interchangeable and there will be sufficient flexibility to this effect that if the workman deputed at a particular place or for a particular job is required at a different place for a different job, he can be deputed without any difficulty. It is also made clear in this connection that the schedule must be followed strictly. But, however, one thing is made clear that the management of the Ports should not try to take work from private parties and should not engage labourers other than the employees of the Port for the work supposed to be entrusted to them. The system of deployment of workmen for 10 days or so as prevalent at Haldia and Calcutta should be done away with and deployment should be only for 12 hours shift. So far as the mooring operations are concerned and in all other fields, the shift shall strictly be of 8 hours. So far as Item No. 2 of schedule of reference is concerned, it has earlier been made clear in various paragraphs by discussing the evidence and the materials that the manning scale of these vessels and crafts used by the Ports in the marine Department should also be strictly according to the proposals which have been accepted and the deployment should be strictly according to the scales suggested and also according to necessity which should be flexible and should be the discretion of the management. It has been thought proper that the lowest manning scale prevailing in a particular port should be accepted for this purpose as has been done in the paragraphs above and has been accepted and accordingly the third issue is also decided and it is held that for similar tasks there must be similar manning scales in all the Ports and the question of having different manning scales at different Ports for similar task does not appear to be proper and should not be allowed to continue. It is made clear that the proposals made and discussed in the earlier paragraphs regarding different activities of cargo handling or manning of vessels and crafts are finally accepted and are made applicable.

Accordingly, the Award is made.

HRISHIKESH BANERJI, Presiding Officer

Dated .

the 19th April, 2006, Kolkata